

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Twin Lakes	Shoreline.....	*856
		Ryan Lake.....	Shoreline.....	*856
Maps available at City Hall, 6301 Shingle Creek Parkway, Brooklyn Center, Minnesota.				
Send comments to the Honorable Dean Nyquist, Mayor, City of Brooklyn Center, City Hall, 6301 Shingle Creek Parkway, Brooklyn Center, Minnesota 55430.				
Minnesota	(Uninc.) Washington County.....	Mississippi River	At the confluence with the St. Croix River.....	*691
			About 0.8 mile upstream of Lock and Dam No. 2.....	*695
			Just upstream of the upstream corporate limits of Cottage Grove.	*697
			Just downstream of the downstream corporate limits of St. Paul Park.	*701
		St. Croix River.....	Just upstream of the confluence of Trout Brook.....	*691
			Just upstream of the Chicago and North Western Railroad.	*692
			Just upstream of the upstream corporate limits of Stillwater.	*693
			Just downstream of the downstream corporate limits of Marne-on-St. Croix.	*696
			Just upstream of the upstream corporate limits of Marne-on-St. Croix.	*698
			About 3,500 feet downstream of the upstream county boundary.	*701
		Browns Creek.....	About 2,200 feet upstream of the confluence of the St. Croix River.	*705
			About 4,550 feet upstream of the confluence of the St. Croix River.	*769
			About 200 feet upstream of County Highway 5.....	*840
			Just upstream of the downstream crossing of the Burlington Northern railroad.	*855
			Just downstream of the upstream crossing of the Burlington Northern railroad.	*862
			Just upstream of the upstream crossing of the Burlington Northern railroad.	*868
			Just upstream of abandoned dam.....	*882
			About 1,650 feet downstream of State Highway 95.....	*895
			Just downstream of State Highway 95.....	*896
		Big Manne Lake.....	At shoreline.....	*943
		Big Carnelian Lake.....	At shoreline.....	*868
		Long Lake.....	At shoreline.....	*893
		Halfbreed Lake.....	At shoreline.....	*939

Maps available for inspection at the Washington County Courthouse, 14900 61st Street, North, Stillwater, Minnesota.

Send comments to Honorable A. E. Scheaffer, County Board Chairman, Washington County, Washington County Courthouse, 14900 61st Street, North, Stillwater, Minnesota 55082.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); Executive Order 12127, 44 FR 19367 and delegation of authority to Federal Insurance Administrator)

Issued: April 27 1981.

Richard W. Krumm,
Acting Administrator, Federal Insurance
Administration.

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DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 171 and 173

[Docket No. HM-166-I; Notice No. 81-2]

Transportation of Liquefied Petroleum Gas in Intrastate Commerce

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

ACTION: Notice of proposed rulemaking.

SUMMARY: The Materials Transportation Bureau (MTB) proposes to amend Part 173 of 49 CFR to authorize the use of nonspecification cargo tanks for the transportation of liquefied petroleum gas (LPG) in intrastate commerce under

certain conditions. This action is necessary because individual States have adopted the Department's Hazardous Materials Regulations which require the use of DOT Specification MC-330 or MC-331 cargo tanks. The intended effect of this action is to allow continued use of nonspecification cargo tanks for the transportation of LPG in intrastate commerce until they are taken out of service and replaced with new tanks that meet DOT requirements.

DATES: Comments must be received by June 16, 1981.

ADDRESS: Address 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. The Dockets Branch is located in Room 8426 of the Nassif Building, 400 Seventh Street, SW., Washington, D.C. 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: Darrell L. Raines, Chief, Exemptions and

Regulations Termination Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau, 400 7th Street, SW., Washington, D.C. 20590. (202) 472-2726.

SUPPLEMENTARY INFORMATION: Since passage of the Hazardous Materials Transportation Act (HMTA) of 1974 (49 USC 1801 et seq.) the MTB has encouraged the adoption of the Hazardous Materials Transportation Regulations 49 CFR Parts 170 to 179) by the States in order to promote uniformity in safety regulation throughout the nation. Certain areas of transportation safety demand a strong, predominant Federal role. In the HMTA's Declaration of Policy and in the Senate Committee language reporting out what became § 112 of the HMTA, Congress indicated a desire for uniform national standards in the field of hazardous materials transportation and, with the HMTA, gave the Department of Transportation the authority to promulgate those standards. Although the HMTA has not totally precluded State or local action in this area, it is the

MTB's opinion that, to the extent possible, Congress intended to make such State or local action unnecessary.

It has come to the attention of the MTB that the adoption by individual States of the Hazardous Materials Transportation Regulations has created an anomalous situation in certain States for certain cargo tank owners and operators. DOT regulations require cargo tanks for LPG to be constructed in compliance with either DOT Specification MC-330 or MC-331. However, a number of cargo tanks not subject to DOT regulations (nor ICC regulations prior to 1967) have been constructed and used in intrastate commerce for many years. While they were manufactured in accordance with certain consensus standards and were otherwise qualified for use, they do not meet the standards now required in DOT regulations. The result of a State's adoption and enforcement of DOT regulations is to immediately require that all cargo tanks in that jurisdiction comply with DOT specifications without provision for an adequate transition period.

MTB also has been advised of a difficulty encountered by a carrier based in Nevada. For a number of years, this carrier operated only small cargo tank trucks (commonly referred to as "bobtails") in intrastate commerce. Due to a change in business conditions, it became necessary for the carrier to acquire a cargo tank semitrailer (meeting DOT requirements) for carriage of LPG from California to its base in Nevada. Upon entering interstate operations, all of the carrier's operation, including operation of the small cargo tanks, came under DOT jurisdiction. The MTB believes that appropriate relief should be provided to remedy a situation that may not be uncommon and believes the conditions proposed in this NPRM, in association with allowing use of non DOT specification cargo tanks, assure an adequate level of safety for the transportation of LPG in small cargo tanks during the transition period.

This proposal is limited in its applicability to intrastate commerce, including a cargo tank operated by a motor carrier that may operate other motor vehicles in interstate commerce.

The proposed revision would allow the continued use of a cargo tank for transportation of LP gas that is not marked according to Specification MC-330 or MC-331, provided it (1) is marked and conforms to the edition of the ASME Code in effect when it was manufactured; (2) has a minimum design pressure of 250 psig; (3) has a capacity of 3500 gallons or less; (4) was manufactured prior to January 1, 1981;

(5) conforms to NFPA Pamphlet 58; (6) has been inspected and tested in accordance with § 173.33 as specified for Specification MC-330 or MC-331; and (7) it is operated in conformance with the regulations except the specification requirements.

The procedure proposed in this NPRM will allow the continued safe use of cargo tanks constructed in conformance with the ASME Code when a State upgrades its regulatory program by adopting the Hazardous Materials Transportation Regulations, as well as allowing continued use of such tanks for local shipments by interstate carriers. MTB has been advised by industry representatives that all new tanks are being manufactured in compliance with DOT specifications; therefore, new construction after January 1, 1981, is not covered by this NPRM.

It is also proposed to update the reference in § 171.7(d)(6) to Pamphlet 58 of the National Fire Protection Association since this is the edition currently available from that organization.

The MTB has determined that this proposed regulation will not, if promulgated, have a significant economic impact on a substantial number of small entities.

If this proposed regulation is not adopted, there will be a serious economic hardship on small LPG carriers because their nonspecification cargo tanks will no longer be authorized for transportation of LP gas in several States. New DOT specification tanks would have to be purchased and delivery to LPG customers would be severely disrupted.

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

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

1. In § 171.7, paragraph (d)(6) would be revised to read:

§ 171.7 Matter incorporated by reference.

* * * * *

(d) * * *

(6) NFPA Pamphlet No. 58 is titled, "Standard for the Storage and Handling of Liquefied Petroleum Gases," 1979 edition.

* * * * *

2. In § 173.315, Note 2 following the table and paragraph (k) would be revised to read:

§ 173.315 Compressed gases in cargo tanks and portable tank containers.

* * * * *

Note 1. * * *

Note 2.—See § 173.32 for authority to use other portable tanks and for manifolding cargo tanks, see § 173.301(d).

* * * * *

(k) A nonspecification cargo tank meeting, and marked in conformance with the edition of the ASME Code in effect when it was fabricated may be used for the transportation of liquefied petroleum gas if it—

(1) Has a minimum design pressure of 250 psig;

(2) Has a capacity of 3,500 gallons or less;

(3) Was manufactured prior to January 1, 1981, as verified by its ASME certificate;

(4) Conforms to NFPA Pamphlet 58;

(5) Has been inspected and tested in accordance with § 173.33 as specified for Specification MC-330 or MC-331;

(6) Is operated exclusively in intrastate commerce, including its operation by a motor carrier otherwise engaged in interstate commerce; and

(7) Is operated in conformance with the other requirements of this subchapter (e.g. Part 172).

* * * * *

(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 proposed regulation is not a major rule under the Terms of Executive Order 12291 and does not require a Regulatory Impact Analysis, nor does it 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 May 5, 1981.

Alan L. Roberts,

Associate Director for Office of Hazardous Regulation, Materials Transportation Bureau.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 651

South Atlantic Fishery Management Council; Public Hearing

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of Public Hearing.