

substantial number of small entities. This action only approves State action. It imposes no new requirements. Moreover, due to the nature of the Federal-State relationship, under the Clean Air Act, Federal inquiry into the economic reasonableness of the State action would serve no practical purpose and could well be improper. In addition, this action only applies to one facility. On January 27, 1981, the Administrator published the required certification for all SIP approvals under Section 110 of the Act at 45 FR 8709.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because of the fact that today's action merely proposes to approve regulations submitted by the State which are already in effect under State law and further in this action applies to only one facility in the Commonwealth of Virginia.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection at: EPA, Air Programs, Region III, 6th & Walnut Streets, Philadelphia, PA 19106.

(42 U.S.C. 7401-7642)

Dated: February 25, 1981.

Jack J. Schramm,

Regional Administrator.

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**DEPARTMENT OF TRANSPORTATION**

**Research and Special Programs Administration**

**49 CFR Parts 172 and 175**

[Docket No. HM-149C; Notice No. 81-1]

**Air Transportation of Limited Quantities of Low-Level Radioactive Materials; Exemption Renewal**

**AGENCY:** Materials Transportation Bureau, Research and Special Programs Administration, D.O.T.

**ACTION:** Notice of proposed exemption renewal.

**SUMMARY:** The Materials Transportation Bureau (MTB) proposes to renew the limited exemption found in 49 CFR 172.204(c)(4), 175.10(a)(6), and 175.700(c) for air transport of small quantities of materials exhibiting very low levels of radiation. These materials do not present a significant hazard to passengers and crew of an aircraft. The intended effect of this proposed action is

to permit continued transportation by passenger-carrying aircraft of radioactive materials under existing restrictions.

**DATES:** Comments must be received on or before April 17, 1981.

**ADDRESS COMMENTS TO:** Dockets Branch, Research and Special Programs Administration, U.S. Department of Transportation, Washington, D.C. 20590. Comments should identify the docket and be submitted, if possible, 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 thru Friday. Telephone (202) 426-3148.

**FOR FURTHER INFORMATION CONTACT:** Thomas Charlton, Chief, Standards Division, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Washington, D.C. 20590; 202-426-2075.

**SUPPLEMENTARY INFORMATION:** The MTB is proposing to renew for two years the limited exemption found at 49 CFR 172.204(c)(4), 175.10(a)(6), and 175.700(c) for air transportation of small quantities of materials exhibiting very low levels of radiation. This exemption would also include exceptions from shipping paper and shippers' certification requirements for only those materials shipped as a component part of an instrument or manufactured article.

Conforming with Section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806) governing exemptions, the exemption in §§ 172.204(c)(4), 175.10(a)(6), and 175.700(c) is limited to a two-year life unless reexamined and renewed. The exemptions were last renewed under Docket HM-149B (44 FR 25238) published on April 30, 1979. The legal background and regulatory history of these exemptions were discussed in that amendment and the preceding notice of proposed rulemaking (44 FR 15748, March 15, 1979). The exemptions will expire on May 3, 1981. MTB proposes to renew the exemptions on the finding that renewal is consistent with the public interest and safety.

The MTB had determined that this proposed regulation is consistent with Section 2 of Executive Order 12291 and will not result in a significant economic impact on a substantial number of small entities.

In consideration of the foregoing, it is proposed to amend Parts 172 and 175 of Title 49, Code of Federal Regulations as follows:

**PART 172—HAZARDOUS MATERIALS TABLES AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS**

1. In § 172.204, paragraph (c)(4) would be revised to read as follows:

**§ 172.204 Shipper's certification.**

\* \* \* \* \*

(c) \* \* \*

(4) Radioactive material. Each person who offers any radioactive material for transportation aboard a passenger-carrying aircraft shall sign (mechanically or manually) a printed certificate stating that the shipment contains radioactive material intended for use in, or incident to, research, or medical diagnosis or treatment. Prior to May 3, 1983, this provision does not apply to materials meeting the requirements of § 173.391 (a), (b), or (c) of this subchapter in effect on May 3, 1981.

\* \* \* \* \*

**PART 175—CARRIAGE BY AIRCRAFT**

2. In § 175.10, paragraph (a)(6) would be revised to read as follows:

**§ 175.10 Exceptions.**

(a) \* \* \*

(6) Prior to May 3, 1983, radioactive materials which meet the requirements of § 173.391 (a), (b), or (c) of this subchapter in effect on May 3, 1981.

\* \* \* \* \*

3. In § 175.700, paragraph (c) would be revised to read as follows:

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

\* \* \* \* \*

(c) Except as provided in this paragraph, no person may carry aboard a passenger-carrying aircraft any radioactive material other than a radioactive material intended for use in, or incident to, research, or medical diagnosis or treatment. Prior to May 3, 1983, this prohibition does not apply to materials which meet the requirements of § 173.391 (a), (b), or (c) of this subchapter in effect on May 3, 1981.

[Authority 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 April 2, 1981.

Alan I. Roberts,

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

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## National Highway Traffic Safety Administration

### 49 CFR Parts 571 and 575

#### Federal Motor Vehicle Safety Standards; Uniform Tire Quality Grading Standards; Tire Reserve Load Consumer Information Requirements

**AGENCY:** National Highway Traffic Safety Administration, DOT.

**ACTION:** Notice of Intent.

**SUMMARY:** This notice describes a number of actions the National Highway Traffic Safety Administration intends to take to reduce unnecessary regulatory burdens upon the motor vehicle and related manufacturing industries.

**FOR FURTHER INFORMATION CONTACT:** Mr. Michael Finkelstein, Associate Administrator for Rulemaking, National Highway Traffic Safety Administration, 400-7th Street, S.W., Washington, D.C. 20590, Telephone: (202) 426-1810.

**SUPPLEMENTARY INFORMATION:** At the request of the Secretary of Transportation, the National Highway Traffic Safety Administration (NHTSA) has undertaken a review of its existing and proposed regulations to identify potential administrative changes which could reduce the regulatory burdens imposed upon the motor vehicle and related industries without jeopardizing the goals of vehicle and highway safety. The purpose of this notice is to describe the efforts which NHTSA has undertaken and the specific immediate and longer term actions by which NHTSA intends to reduce unnecessary regulatory pressures upon these industries.

This notice is not a notice of proposed rulemaking. Appropriate administrative proceedings will be separately taken to implement the actions described in this notice. In accordance with the requirements of Title 5 of the U.S. Code (the Administrative Procedures Act) and regulations of the Department of Transportation, appropriate notices of proposed rulemaking, hearings and opportunities for public comment will be

provided with respect to administrative actions involving adoption or modification of NHTSA standards or regulations.

#### Background

The National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407, hereinafter "the Act") requires that the Secretary issue Federal Motor Vehicle Safety Standards (FMVSS) that meet the need for motor vehicle safety and are objective, practicable performance standards. There are currently more than 50 standards and regulations in force covering motor vehicles and equipment.

In addition, the Motor Vehicle Information and Cost Savings Act of 1966 (15 U.S.C. 1401) authorizes certain consumer-related regulations and standards of NHTSA.

Standards and regulations issued under these and other statutory authorities impose significant economic burdens upon the motor vehicle and related industries.

Many of the requirements of NHTSA standards and regulations have led directly to a substantial improvement in motor vehicle safety and have resulted in the reduction of fatalities and serious injuries. In some cases, however, such standards and requirements deal with relatively minor issues or relate only indirectly to the legislative goals of the Congress. Some standards and regulations have produced relatively insubstantial benefits, either because they represent no significant change in industry practice, or because after evaluation and review, resulting changes in performance of motor vehicles do not appear to be significantly superior to pre-regulation performance.

Finally, some standards or regulations may have been adopted which upon later evaluation, involve costs which bear no reasonable relationship to the actual benefits derived, whether or not an adverse cost/benefit relationship was foreseen or foreseeable at the time of adoption.

#### Scope of Agency Review

NHTSA has undertaken a comprehensive review of: (1) its existing standards and regulations, (2) those standards or regulations (or modifications thereof) which have been adopted in final form but the effective date of which has not yet been resolved, and (3) those pending proposals to adopt or modify standards or regulations which are currently subject to notices or advance notices of proposed rulemaking

but which have not been adopted in final form.

In addition, NHTSA has reviewed those ongoing rulemaking efforts which have been subject to public notifications of intended rulemaking, or with respect to which specific comment or advice has been requested from the public by the Agency.

#### Purpose of Review

NHTSA has undertaken this review to determine what, if any, modifications to its standards and regulations may be appropriate to reduce regulatory burdens upon the regulated industries without jeopardizing the safety or consumer-related goals and policies established by Congress in its related legislation.

In undertaking this review, each standard, regulation or proposed rulemaking or modification was examined to determine (1) the direct or indirect relationship of the rulemaking in question to the safety or consumer goals of the Agency; (2) the relative importance of the rulemaking in achieving such goals; (3) whether the performance addressed by the rulemaking would be expected to continue at comparable levels in the absence of the rulemaking (taking into account such factors as the size and competitive characteristics of the specific regulated entities, any economic or market pressures or enforceable standards of care established by common or statutory law which might influence maintenance or deterioration of levels of performance, and whether regulated entities are subject to external pressures which would tend to insure achievement of the intended goals e.g., voluntary standards of compliance adopted by industry or professional societies); (4) the costs, benefits and burdens created or imposed by the rulemaking, (taking into account such factors as the difficulty of quantifying in economic terms the value of human life; the amount of consumer information sufficient to allow the public to make free choices in the marketplace; and the availability of specific data to support regulatory determinations); (5) the effects of the rulemaking on innovation and productivity in the industry and any associated administrative costs or burdens; and (6) whether in the absence or withdrawal of Federal regulation, the States would be able or encouraged to regulate independently, thereby making motor vehicle regulation more complex and costly.

In addition to the specific criteria enumerated above, NHTSA is taking into account the type and number of