

perceived by others as acting in such capacity.

(Secs. 403, 415(b), Pub. L. 93-113, 87 Stat. 408, 411-412)

§ 1226.13 Obligation of sponsors.

(a) It shall be the obligation of program sponsors to ensure that they:

(1) Fully understand the restrictions on volunteer activity set forth herein;

(2) Provide training to volunteers on the restrictions and ensure that all other training materials used in training volunteers is fully consistent with these restrictions;

(3) Monitor on a continuing basis the activity of volunteers for compliance with this provision;

(4) Report all violations, or questionable situations, immediately to the State Director.

(b) Failure of a sponsor to meet the requirements set forth in paragraph (a) of this section, or a violation of the rules contained herein by either the sponsor, the sponsor's employees subject to § 1226.12 or the volunteers assigned to the sponsor, at any time during the course of the grant may be deemed to be a material failure to comply with the terms and conditions of the grant as that term is used in 45 CFR 1206.1 regarding

suspension and termination of assistance or a violation of the Project Memorandum of Agreement, as applicable. The sponsor shall be subject to the procedures and penalties contained in 45 CFR 1206.1.

(c) Violation by a volunteer of any of the rules and regulations set forth herein may be cause for suspension or termination as set forth in 45 CFR 1213.5-5(2) or other disciplinary action.

(Secs. 403, 415(b), Pub. L. 93-113, 87 Stat. 408, 411-412)

Signed at Washington, D.C., this 26th day of November, 1980.

Sam Brown,

Director of ACTION.

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DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 77-084]

46 CFR Part 10

Licensing of Pilots; Correction

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule, correction.

SUMMARY: This document corrects a proposed rule on the licensing of pilots that appeared at page 79258 in the Federal Register of Friday, November 28, 1980, (45 FR 79258). This action is necessary to correct typographical errors in Table 10.05-38—Training/Service Requirements for an Original License as First Class Pilot.

FOR FURTHER INFORMATION CONTACT: Mr. John J. Hartke, Office of Merchant Marine Safety (G-MVP-4/14,) Room 1400, U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C. 20593 (202-755-8683).

Clyde T. Lusk, Jr.,
Captain, U.S. Coast Guard, Acting Chief,
Office of Merchant Marine Safety.

November 26, 1980.

Table 10.05-38—Training/Service Requirements for an Original License as First Class Pilot, appearing at page 79261 in the Federal Register of November 28, 1980, is corrected to read as follows:

Table 10.05-38.—Training/Service Requirements for an Original License as 1st Class Pilot

Route	Documented service	Recent service	Service as able seaman/wholesman	Service on specific route	Total number round trips required over route during the 36 mo preceding application for license ^{1,4}	Number of the specified total round trips which must be made over route during the 12 mo preceding application for license	Number of the specified total round trips which must be made over route during the 3 mo preceding application for license	Number of the specified total round trips which must be completed during periods of darkness
Great Lakes	36 mo ¹ or graduation from Great Lakes Maritime Academy in the deck class.	9 mo	18 mo	12 mo	25	10	3	5
Bays, sounds, and lakes other than Great Lakes.	36 mo ^{1,2}	9 mo	18 mo	12 mo	25	10	3	5
Rivers	36 mo ^{1,2}	9 mo	12 mo	12 mo	25	10	3	5
Canals and small lakes ³	24 mo	12 mo		24 mo				

¹Satisfactory completion of an approved pilot's training courses may be substituted, on a day for day basis, for the service required by 46 CFR 10.05-33(c)(1)(i)-(v) and (3), but in no case can the first class pilot license requirements be met without a minimum of nine months service on certificated vessels.

²10 round trips completed over the minimum 25 round trips required may be substituted for 6 mo service.

³At least 15 of the required round trips must be made on vessels whose gross tonnage is commensurate with tonnage limitation desired.

⁴Satisfactory completion of an approved shiphandling simulator course of training may be substituted for 5 round trips, provided the training is for the route and tonnage desired.

⁵License issued for limited tonnage only.

[FR Doc. 80-38039 Filed 12-5-80; 8:45 am]

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Research and Special Programs Administration

49 CFR Part 172

[Docket No. HM-166F; Advance Notice]

Limited Quantities of Radioactive Materials

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

ACTION: Advance notice of proposed rulemaking (ANPRM).

SUMMARY: This ANPRM provides information and an opportunity for comment on the need for, or possible elimination of, certain regulatory requirements applicable to the transportation of radioactive materials in limited quantities.

DATE: Comments must be received on or before March 13, 1980.

ADDRESS COMMENTS TO: Dockets Branch, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590 (202-426-3148). 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 Seventh Street, S.W., Washington, D.C. 20590. Office hours are 8:30 a.m. to 5:00 p.m., Monday thru Friday.

FOR FURTHER INFORMATION CONTACT:

Richard R. Rawl, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Department of Transportation, 400 Seventh Street, S.W., Washington, D.C. 20590 (202-426-2311).

SUPPLEMENTARY INFORMATION:**I. Background of Regulations**

Ever since the general consolidation of the Hazardous Materials Regulations (HMR) was accomplished under Docket HM-103/112 (41 FR 14972, April 15, 1976), an inconsistency has existed between the regulations applicable to aircraft and those applicable to the other modes insofar as they pertain to limited quantities of radioactive materials and radioactive devices. As that consolidation was a major revision of the HMR wherein the requirements for carriers by aircraft and vessel were included in the comprehensive set of regulations already applicable to carriers by rail and public highway, it was not possible to resolve all of the philosophical differences represented by the various modes. For the sake of expediency, it was determined that the general implementation of the consolidated HMR should not be unnecessarily delayed by varying requirements which reflect the legitimate differences professed by the modal administrations regarding an acceptable level of safety. A thoughtful consideration of issues such as the topic at hand was judged to be a more prudent course and is expected to result in regulations that assure a proper degree of protection for public health and safety without unduly burdening shippers or carriers.

At the present time all packages containing limited quantities of radioactive materials or radioactive devices transported by any mode are excepted from specification packaging, marking, and labeling, and are further excepted from the provisions of § 173.393 pertaining to general packaging and shipping requirements applicable to other radioactive materials. These exceptions are consistent with those provided for limited quantities of hazardous materials belonging to most other hazard classes based upon the limited consequences that could be expected when they are involved in incidents. Hazard classes which do not provide exceptions based upon a limited quantity include those belonging to the explosives group and poison A materials. While the exception from package marking does not apply to most other hazard classes, it should be noted

that in the case of dispersible radioactive materials the outside of the inner container must bear the marking "Radioactive."

Analysis of the limited quantity exceptions for radioactive materials as they apply to each of the modes reveals the following differences in regulatory control:

Rail: (a) A carrier may not accept for transportation a package containing a limited quantity of radioactive materials unless it has received a properly certified shipping paper (see § 174.24).

(b) A detailed hazardous materials incident report must be filed with MTB in the event of an unintentional release or other reportable circumstance (see §§ 171.15 and 171.16) and any contamination resulting from a release must be cleaned up (§ 174.750(a)).

Air: (a) Excepted from all requirements of the HMR, including shipping paper provisions and hazardous materials incident reports (see § 175.10(a)(6)).

Water: (a) Excepted from none of the requirements of Part 176, and therefore must have proper shipping papers (see § 176.24).

(b) A detailed hazardous materials incident report must be filed with MTB in the event of an unintentional release or other reportable circumstance (see §§ 171.15 and 171.16) and any contamination resulting from a release must be cleaned up (§ 176.710).

Highway: (a) A carrier may not transport a package containing a limited quantity of radioactive materials unless it is accompanied by a properly prepared shipping paper (see § 177.817).

(b) A detailed hazardous materials incident report must be filed with MTB in the event of an unintentional release or other reportable circumstance (see §§ 171.15 and 171.16) and any resulting contamination must be cleaned up (§ 177.861).

It can be seen that the span of control over these materials ranges all the way from being practically negligible when transported by aircraft to very extensive when transported by vessel. MTB believes that the inherent risks associated with the transportation of these materials by each mode are not sufficiently different to justify this disparity. Consequently, this ANPRM seeks public comment from shippers, carriers, emergency response personnel and other interested persons in helping to resolve these differences, or otherwise support their continued existence based upon a technical review of the regulations with consideration given to the nature, form and quantities of radioactive materials involved.

II. Current Regulatory Activities

In Docket HM-169, Notice No. 79-1 (44 FR 1852, January 8, 1979) the MTB proposed a general revision of the HMR as they apply to radioactive materials to make them more compatible with international standards. Although a considerable amount of comment was received with respect to limited quantities, most of it addressed specific requirements such as the proposed elimination of the marking exception. Other commenters suggested that the all encompassing exception applicable to aircraft should be extended to the other modes. Although useful, the information in that Docket does not provide MTB with a complete set of data for use in making a thorough safety analysis for these materials by all modes.

On November 23, 1979, MTB published a notice of receipt of an application for exemption—8300-N (44 FR 67267). In this application United Parcel Service is seeking an exemption from the requirements for shipping papers when limited quantities of radioactive materials are to be transported by rail or over the public highways. Once again the MTB received public comment urging favorable action in this area but still it appears that even with the addition of these comments, and the data provided therein, the Bureau is not sufficiently informed to resolve the broader issues addressed in this inquiry.

In the area of international transportation regulations, the MTB is aware of current proposals to the "Technical Instructions for the Safe Transport of Dangerous Goods by Air" in which the International Civil Aviation Organization (ICAO) would treat limited quantities of radioactive materials as essentially unregulated commodities. To qualify for this exception the radioactive materials would have to meet a definition of limited quantity equivalent to one of those proposed in Docket HM-169, be packaged in accordance with general requirements applicable to all radioactive materials, and except for articles manufactured from natural or depleted uranium or natural thorium and empty packages, contain the marking 'Radioactive' so that it is visible upon opening the package. These materials could then be offered for transportation without an accompanying detailed shipping paper. Instead the shipper need only indicate the presence of these hazardous materials by entering a specified phrase—for example, "excepted radioactive material"—on whatever shipping document

accompanies the shipment. These proposals seem to evolve from present operating practices long since adopted by international air carriers with apparently no adverse impact on health or safety. To the extent that air carriers and certain international officials believe the public health and safety are adequately protected by these procedures considering the very small quantities of radioactive material involved, the MTB believes that it is worth investigating their applicability to other modes as well.

One of the functions a shipping paper provides is to make detailed information available to emergency response or cleanup personnel responding to an accident. In this regard, it has been alleged by some shippers and carriers that the information is not imperative due to the very small quantities of radioactive materials that may be shipped this way. Additionally, this detailed information is available or can be obtained from the consignor and the need to provide this information on the shipping papers has been questioned. Consequently, the MTB is interested in determining if the detailed description required by § 172.203 is *necessary* for adequate response to accidents, considering the limited hazard of these materials and other methods which are available for obtaining this information in a timely manner.

Another area for consideration is the marking requirements for these materials. There is an important interface between shipping papers and marking as they relate to:

- (a) recognition that a hazardous material is being shipped;
- (b) identification of the material being shipped;
- (c) proper handling and stowage of the materials involved; and
- (d) appropriate action in the event of an accident.

Therefore, the MTB is also seeking comments on how the marking requirements may need to be modified if the shipping paper requirements are changed.

III. Request for Comment

Comment is solicited on the preceding discussion and on the following questions. Do the requirements presently contained in the HMR, applicable to the transportation of limited quantities of radioactive materials, provide an appropriate degree of regulation to adequately protect the public health and safety?

(a) If so—

(1) How do the transportation conditions of the various modes differ to justify diversity of regulatory control?

(2) Can the exception from package marking requirements be supported to show that protection of the public health is not being jeopardized?

(3) In the case of intermodal transfers, do the more restrictive regulations impose an unwarranted economic burden without providing a commensurate increase in safety?

(4) Does the lack of an incident reporting requirement for limited quantities of radioactive materials transported by aircraft significantly diminish the effectiveness of the DOT's accident analysis system?

(b) If not—

(1) How should the regulations be revised?

(2) Do the hazards associated with all limited quantity radioactive materials and devices pose such a low risk that the MTB can remain confident in this exception, or should certain radionuclides, forms, etc. be excluded from limited quantity exceptions?

(3) What would be the approximate cost/benefit of any suggested change?

(4) Will there be an adverse impact on emergency response activities if detailed shipping paper requirements are waived for rail, water, and highway shipments of limited quantities?

(5) Do the marking requirements need to be modified if the detailed shipping paper requirement is waived for rail, water and highway shipments? If so, how?

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

Note.—The Materials Transportation Bureau has determined that this document will not result in a major economic impact under the terms of Executive Order 12221 and DOT implementing 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 is available for review in the docket.

Issued in Washington, D.C., on November 28, 1980.

Alan I. Roberts,
Associate Director for Hazardous Materials
Regulation, Materials Transportation Bureau.

[FR Doc. 80-37925 Filed 12-5-80; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric
Administration

50 CFR Part 611

Foreign Trawl Fisheries of the
Northwest Atlantic Approval of
Preliminary Fishery Management Plan
Amendment; Proposed Regulations

AGENCY: National Oceanic and
Atmospheric Administration/
Commerce.

ACTION: Approval of Preliminary Fishery
Management Plan Amendment;
Proposed Regulations.

SUMMARY: The Preliminary Fishery Management Plan for the Foreign Trawl Fisheries of the Northwest Atlantic (PMP) is amended and extended. Changes include reductions in optimum yield (OY), domestic annual harvest capacity (DAH), and total allowable level of foreign fishing (TALFF) for river herring, specification of DAH, domestic annual processing capacity (DAP), and joint venture processing (JVP) for the species covered by the PMP, elimination of butterfish from the PMP, extension of the effective period until such time that the PMP is amended, and establishing that yellowtail flounder are not covered by this PMP.

DATES: Comments are invited until December 29, 1980. Because the foreign fishing windows for bottom gear are open exclusively from January 1 to March 31 of each calendar year we have limited the comment period on these proposed regulations to 20 days.

ADDRESSES: Comments may be directed to the Regional Director of the National Marine Fisheries Service, State Fish Pier, Gloucester, Massachusetts 01930. Please mark the outside of the envelope "Foreign Trawl Comments."

FOR FURTHER INFORMATION: Contact Allen E. Peterson, Jr., Regional Director, National Marine Fisheries Service, 14 Elm Street, Gloucester, Massachusetts 01930. Telephone (617) 281-3600.

SUPPLEMENTARY INFORMATION: The PMP was implemented in February, 1977 (42 FR 9951) and has been extended through the present time basically unchanged. The PMP continues with a series of minor amendments.

The purpose of this PMP is to regulate the taking of a wide variety of species for which detailed information on stock assessment and utilization are not available. Species covered by this PMP