Table 8-17.—*On Demand Service—Continued*

Pounds (up to and including)	Zone to International Exchange Office						
	3	4	5	6	7	8	9
32	113.18	114.16	115.50	116.79	118.13	119.78	121.43
33	116.22	117.23	118.61	119.94	121.32	123.02	124.72

Notes:

(1) Pickup is available under a Service Agreement for an added charge of $5.25 for each pickup stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pickup charge.

[FR Doc. 80-32300 Filed 10-15-80; 8:45 am]

BILLING CODE 7710-12-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101-2

[FPMR Amdt. A-31]

Nonstock Direct Delivery Shipments Billing Procedures

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This regulation specifies that the General Services Administration (GSA) will no longer render billings to customer agencies when they requisition nonstock direct delivery items. The ordering agency will be invoiced directly by the vendor since GSA has previously specified that the General Supply Fund (GSF) will no longer be used to finance nonstock direct delivery requisitions. GSA expects these changes will significantly reduce the impact of cash flow upon the GSF and reduce the number of monthly billings.

EFFECTIVE DATE: October 16, 1980.

FOR FURTHER INFORMATION CONTACT: William R. Stanton, Supply and Transportation Accounting Division (202-566-0620).

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this regulation will not impose unnecessary burdens on the economy or on individuals and, therefore, is not significant for the purposes of Executive Order 12044.

Section 101-2.102 is amended by revising paragraph (a) to read as follows:

§ 101-2.102 Billing procedures.

(a) Bills are rendered biweekly, monthly, or quarterly after the fact or in advance on approved billing forms, which are GSA Form 789, Statement, Voucher, and Schedule of Withdrawals and Credits, and Treasury TFS Form 7306, Paid Billing Statement for SIBAC Transactions (illustrated at §§ 101-2.4902-789 and 101-2.4903-7306). Certification of such bills by GSA is not required. Except for those bills which are rendered in advance; bills for shipments from stock are rendered on the basis of drop from inventory, provided that notification of warehouse refusal or other advice of nonavailability has not been received from the depot prior to the billing date; bills for services are rendered after there is evidence of actual delivery of services and; bills for stock direct delivery shipments are rendered based upon payment to the vendor and proof of shipment. However, bills for nonstock direct delivery shipments will not be rendered because customer agencies will make payment directly to the vendor from their appropriations and funds.

* * * * *

(Sec. 205(c), 63 Stat. 390; (40 U.S.C. 486(c)))

Dated: September 30, 1980.

R. G. Freeman III,

Administrator of General Services.

[FR Doc. 80-32151 Filed 10-15-80; 8:45 am]

BILLING CODE 6820-39-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 172 and 175

[Docket No. HM-166B; Amdt. Nos. 172-62, 175-17]

Shipment of Hazardous Materials by Air; Miscellaneous Amendments; Revision

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

ACTION: Final rule; revision of previous amendments.

SUMMARY: This amendment revises a final rule published February 28, 1980, regarding the shipment of hazardous materials by air. The rule extends the application of the marking exception contained in the regulations covering liquid hazardous materials (172.312), to certain flammable liquids in the ORM-D hazard class. The rule also clarifies the requirements for inspecting packages of radioactive materials when they are shipped in overpack, as set forth in 175.30.

EFFECTIVE DATE: November 17, 1980; however, shipments may be prepared, offered for transportation, and transported in accordance with these amendments beginning October 16, 1980.

FOR FURTHER INFORMATION CONTACT: Edward T. Mazzullo, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Research and Special Programs Administration, U.S. Department of Transportation, Washington, D.C. 20590, (202) 426-2075.

SUPPLEMENTARY INFORMATION: On February 28, 1980, the Materials Transportation Bureau (MTB) published a final rule (Docket HM-166B; 45 FR 13087) which contained miscellaneous changes to the Hazardous Materials Regulations pertaining to the transportation of hazardous materials aboard aircraft. This amendment revises the final rule published in Docket HM-166B with regard to §§ 172.312 and 175.30 of 49 CFR. The circumstances creating the need for this amendment and the action being taken are discussed under the following headings:

1. *Package orientation markings (§ 172.312).* Since publication of Amendment 172-57 in Docket HM-166B, the MTB has received a petition for reconsideration filed in accordance with the provisions of 49 CFR 106.35 on behalf of the Council for Safe Transportation of Hazardous Articles (COSTHA). The petition requests (1) retraction of a statement made by the MTB in the preamble to Amendment 172-57; and, (2) revision of § 172.312 to clarify that an exception from orientation requirements contained therein applies to flammable liquids in the ORM-D hazard class. The preamble statement made by the MTB is as follows:

> One commenter stated that many cosmetics, drugs and medicines are shipped with no package orientation markings. It is the MTB's impression that most cosmetics, drugs and medicines which are hazardous materials are likely to be classed as ORM-D materials and shipped under the description "Consumer Commodity, ORM-D." The MTB advises shippers that there is no exception from package orientation requirements, including marking requirements, for liquid hazardous materials classed ORM-D.

Prior to Amendment 172-57, § 172.312 required packages having inside packagings containing liquid hazardous materials to be packed with closures (of

the inside packagings) upward and required the marking of outside packages "THIS SIDE UP" or "THIS END UP", as appropriate. An exception was provided from these requirements in this same section for packages containing "limited quantities of flammable liquids" packed in inside packagings of one quart or less. The MTB's preamble statement reflects its interpretation that the phrase "limited quantities of flammable liquids" refers only to those flammable liquids which are shipped under the limited quantity provisions for flammable liquids, as set forth in §§ 172.203(b) and 173.118(a). These two sections prescribe requirements for describing and packaging "limited quantities of flammable liquids."

The COSTHA petition presents the argument that flammable liquids in the ORM–D hazard class (i.e., consumer commodities) are also "liquid quantities of flammable liquids" and qualify for shipment under the exceptions granted in § 172.312. The MTB disagrees. For the sake of consistency and clarity the MTB believes that the phrase "limited quantities of flammable liquids" applies only to those materials meeting the requirements and conditions for "limited quantities" as specified in §§ 172.203(b) and 173.118(a). Materials which are reclassed as ORM–D materials in effect lose the identity of their original hazard class. All requirements and exceptions provided for limited quantities of a material in a particular hazard class do not apply when the material is reclassed as ORM–D. Based on the foregoing discussion, the MTB finds no basis to retract the statement made in the preamble to Amendment 172–57.

The petition also states that prior to establishment of the ORM–D hazard class (Docket HM–103/112; 41 FR 15972), consumer commodities which were flammable liquids were eligible for the exception from upright packing and orientation marking requirements. Also, it stated that when the ORM–D hazard class was established, it was intended that ORM–D materials be provided relief at least equivalent to, and to some extent greater than, that provided for limited quantities in a particular hazard class. Information in the public record to Docket HM–103/112 pertaining to the ORM–D hazard class supports the petitioner's claims. It appears that the exception contained in § 172.312 was not extended to flammable liquids in the ORM–D hazard class due to oversight, rather than by intent.

Flammable liquids in the ORM–D hazard class pose a limited hazard in transportation similar to that posed by limited quantities of flammable liquids packaged under the provisions of § 173.118(a). To require more restrictive packaging for flammable liquids in the ORM–D hazard class may impose an undue burden on the shipment of these materials and is contrary to the intent of changes made in Docket HM–103/112. For these reasons, the MTB grants the petitioner's request to the extent that § 172.312 is revised by this amendment (1) to clarify application of the exception from orientation marking requirements contained therein; and, (2) to extend application of the orientation exception to flammable liquids in the ORM–D hazard class.

2. *Radioactive materials in overpacks (§ 175.30).* Section 175.30 contains requirements pertaining to the acceptance and inspection of hazardous materials prior to loading aboard aircraft. The final rule published on February 28, 1980 (Amendment 175–12) revised § 175.30 to clarify inspection requirements and to except certain hazardous materials, such as dry ice and magnetized materials, from requirements for inspection. Since publication of Amendment 175–12, it has been brought to the MTB's attention that § 175.30 is not clear with regard to inspection requirements applicable to packages of radioactive materials combined in overpacks.

Section 173.393(r) contains requirements pertaining to marking, labeling and transport index limitations for packages of radioactive materials combined in overpacks. The status of such overpacks, with regard to aircraft operator inspection requirements contained in § 175.30, needs clarification. Section 175.30 currently references "package" and "outside container prepared in accordance with § 173.25" but fails to reference an "overpack prepared in accordance with § 173.393(r)." This amendment revises § 175.30 in order to prescribe inspection requirements for overpacks prepared in accordance with § 173.393(r).

Section 175.30 is also being revised with regard to requirements pertaining to the inspection of package seals for packages of radioactive materials contained within properly prepared overpacks. In the interest of safety, it is desirable that aircraft operators not remove or otherwise disturb packages contained in overpacks prepared in accordance with § 173.393(r). Therefore, packages contained in overpacks have been excepted from the requirement pertaining to inspection of package seals contained in § 175.30(c)(2).

In consideration of the foregoing, 49 CFR Parts 172 and 175 are amended as follows:

1. In § 172.312, paragraphs (d) and (e) are revised to read as follows:

§ 172.312 Liquid hazardous materials.

* * * * *

(d) Except when offered for transportation by air, packages containing flammable liquids in inside packagings of one quart or less prepared in accordance with §§ 173.118(a) or 173.1200(a)(1) of this subchapter are excepted from the requirements of paragraph (a) of this section.

(e) When offered for transportation by air, packages containing flammable liquids in inside packagings of one quart or less prepared in accordance with §§ 173.118(a) or 173.1200(a)(1) of this subchapter are excepted from the requirements of paragraph (a) of this section when packed with sufficient absorption material between the inner and outer packagings to completely absorb the liquid contents.

2. In § 175.30, paragraphs (b) and (c) are revised to read as follows:

§ 175.30 Accepting and inspecting shipments.

* * * * * *

(b) Except as provided in paragraph (d) of this section, no person may carry a hazardous material in a package, outside container prepared in accordance with § 173.25 of this subchapter, or overpack prepared in accordance with § 175.393(r) of this subchapter aboard an aircraft unless the package, outside container, or overpack is inspected by the operator of the aircraft immediately before placing it—

(1) Aboard the aircraft; or

(2) In a freight container or on a pallet prior to loading aboard the aircraft.

(c) A hazardous material may only be carried aboard an aircraft if, based on the inspection prescribed in paragraph (b) of this section, the operator determines that the package, outside container, or overpack containing the hazardous material—

(1) Has no holes, leakage or other indication that its integrity has been compromised; and

(2) For radioactive materials, does not have a broken seal, except that packages contained in overpacks need not be inspected for seal integrity.

* * * * *

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

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 and environmental

assessment are available for review in the docket.

Issued in Washington, D.C. on October 8, 1980.

L. D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 80-32194 Filed 10-15-80; 8:45 am]

BILLING CODE 4910-62-M

Urban Mass Transportation Administration

49 CFR Part 660

State "Buy National" Requirements

AGENCY: Urban Mass Transportation Administration, DOT.

ACTION: Revision of policy.

SUMMARY: This document revises UMTA's policy concerning the application of state "Buy National" preference statutes to contracts that are partially funded by UMTA grants. This document is necessary to implement the Congressional intent expressed in the DOT Appropriations Act for the current fiscal year. The intended effect of this document is to permit states to apply their own more restrictive "Buy National" statutes in UMTA-funded contracts during fiscal year 1981, provided that the administration of the state statute is consistent with the Federal exemptions to the Federal "Buy National" statute.

EFFECTIVE DATE: October 9, 1980.

FOR FURTHER INFORMATION CONTACT: John J. Collins, Office of the Chief Counsel (202) 426-1906; or James McCullagh, Office of Transit Assistance (202) 426-2053; Urban Mass Transportation Administration, 400 7th Street, S.W., Washington, D.C. 20590.

SUPPLEMENTARY INFORMATION:

Original Policy

The general policy of UMTA concerning the application of non-Federal preferences to the procurement of equipment and the construction of facilities was contained in the preamble to the Buy America regulations (49 CFR Part 660) published by UMTA in the Federal Register on December 6, 1978. On page 57145 of Volume 43 of that Federal Register, UMTA recited that we would not help fund any procurement contract awarded by a state or local government if the contract contained contract preferences for products manufactured or constructed in the United States that were different from the contract preferences contained in the UMTA Buy America statute (Section 401 of Pub. L. 95-599 (92 Stat. 2689)) as implemented by the UMTA Buy America regulations (49 CFR Part 660). UMTA adopted this policy for a number of reasons including the need to balance the competing commands of the UMTA authorizing legislation concerning contract specifications. Section 3(a)(2)(C) of the Urban Mass Transportation Act of 1964 (92 Stat. 2736 (49 U.S.C. 1602(a))) forbids UMTA from participating in contracts which contain "exclusionary or discriminatory specifications" while Section 401 establishes preferences for United States made products that result in discriminatory specifications.

Impact of New Legislation

The DOT and Related Agencies Appropriations Act for fiscal year 1981 (Pub. L. 96-400 (94 Stat. 1681) (H.R. 7831; 96th Congress, 2nd Session; September 18, 1980; p. 21 (lines 13-18))) mandates that UMTA administer our grant program "pursuant to the provisions of section 401, Pub. L. 95-599". The Conference Report for the Act (House Report No. 96-1400 (September 25, 1980) pp. 16-17) clarifies what is meant by this language. The Conferees explained that:

> If a contract bid does not fall within the scope of any of the exceptions cited in Section 401 of Public Law 95-599, then the grantee should not be denied UMTA financial assistance simply because of the imposition of a state domestic preference law. The conferees do not intend the term "state domestic preference law" to include so-called "buy-state laws" which require preferences for products manufactured in a particular state or subdivision and any such state laws shall not prevail over Federal law. On the other hand, if the imposition of a state domestic preference law causes the contract bid to fall within the scope of any or all of the exceptions cited in Section 401 of Pub. L. 95-599, then UMTA financial assistance could be denied because State statutes are undoubtedly subject to Federal law prescribing the "Buy America" exceptions of public interest, unavailability and unreasonable cost.

Revised Policy

The UMTA policy stated in the preamble on page 57145 of Volume 43 of the Federal Register is being revised by this document. During the period October 9, 1980 to September 30, 1981, state "Buy National" preference provisions that are more restrictive with respect to the procurement of foreign made products than Section 401 will be permitted in contracts awarded using UMTA funds provided that the preference provision and its terms are specifically set out in state law. The Federal exceptions to the application of "Buy National" statutes described in Section 401(b) of the Buy America statute will continue to govern UMTA's participation in such contracts. These exceptions require UMTA to withhold funds from contracts where application of the state "Buy National" law is: not in the public interest, adds unreasonably to the cost of rolling stock, makes materials unavailable, or adds more than 10% to the cost of the contract. If an exception under Section 401(b) is appropriate, it will be granted by UMTA under the procedural provisions of subpart C of 49 CFR Part 660. UMTA will not participate in such contracts if the state law is administered in a manner that is inconsistent with the application of the Federal exceptions. The administration of the state statute must conform to the Federal waiver or we will not help fund the contract. The contracting process must not exclude contractors who have the potential to quailfy for the Federal exceptions.

The original policy remains applicable to all other preference provisions. We will continue to decline to participate in contracts governed by:

1. Preference provisions which are not as strict as the Federal requirement.

2. State and local "Buy National" preference provisions which are not explicitly set out under state law. For instance, administrative interpretations of non-specific state legislation will not control.

3. State and local "Buy Local" preference provisions. Specific Guidance:

Guidance concerning the application of this policy in particular circumstances should be obtained by contacting the UMTA Regional Administrator for your area. The telephone numbers and addresses of the regional offices are contained in 49 CFR Part 601.

Timing

The Appropriations Act that necessitated this policy change became effective on October 9, 1980. The statute did not provide a grace period for implementation. Since the statute governs all of our procurements during the current fiscal year, we determined that it was necessary to issue this policy change immediately and make it effective immediately. The discussion in the legislative history of the Appropriations Act was so specific that it did not permit meaningful alternatives that could have been explored in a public comment period.

Enviromental Impact Statement

This policy change does not significantly affect the environment. An environmental impact statement is not required under the National Environmental Policy Act of 1969.