

(vii) Smoking within ten feet of the unit is prohibited.

10. Section 175.25 is added to read as follows:

§ 175.25 Informing passengers about hazardous materials restrictions.

(a) Each aircraft operator who engages in for hire transportation of passengers shall display notices to passengers concerning the requirements and penalties associated with the carriage of hazardous materials aboard aircraft. Such a notice shall be prominently displayed in each location at an airport where the aircraft operator issues tickets, checks baggage, and maintains aircraft boarding areas.

(1) Each notice must contain the following information:

Federal law forbids the carriage of hazardous materials aboard aircraft in your luggage or on your person.

A violation can result in penalties of up to \$25,000 and 5 years imprisonment. (49 U.S.C. 1809)

Hazardous materials include explosives, compressed gases, flammable liquids and solids, oxidizers, poisons, corrosives and radioactive materials.

Examples: Paints, lighter fluid, fireworks, tear gases, oxygen bottles, and radio-pharmaceuticals.

There are special exceptions for small quantities (up to 75 ounces total) of medicinal and toilet articles carried in your luggage and certain smoking materials carried on your person.

For further information contact your airline representative.

(2) The information contained in paragraph (a)(1) of this section must be printed—

- (i) In legible English;
- (ii) In lettering of at least three eighths of an inch in height for the first three paragraphs and one quarter inch in height for the last three paragraphs; and
- (iii) On a background of contrasting color.

(3) Size and color of the notice are optional. Additional information, if not inconsistent with required information, may be included.

(b) Compliance with the requirements of this section is not mandatory until January 1, 1981.

11. In § 175.30, the heading, the introductory text of paragraph (a), paragraphs (a)(1), (b) and (c) are revised; paragraph (d) is added to read as follows:

§ 175.30 Accepting and inspecting shipments.

(a) No person may accept a hazardous material for transportation aboard an aircraft unless the hazardous material is—

(1) Authorized, and is within the quantity limitations specified for carriage aboard aircraft according to - § 172.101 of this subchapter or as otherwise specifically provided by this subchapter.

(b) Except as provided in paragraph (d) of this section, no person may carry a package or outside container prepared in accordance with § 173.25 of this subchapter containing a hazardous material aboard an aircraft unless the package or outside container 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 or outside container 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.
- (d) The requirements of paragraphs (b) and (c) of this section do not apply to—

- (1) An ORM-D material packed in a freight container and offered for transportation by one consignor;
- (2) Dry ice (carbon dioxide, solid); or
- (3) Magnetized materials.

12. In § 175.33, paragraphs (a), (b) and (c) are redesignated (a)(1), (a)(2) and (a)(3); the material preceding paragraph (a)(1) is designated paragraph (a) and revised to read as follows:

§ 175.33 Notification of pilot-in-command.

(a) When materials subject to the provisions of this subchapter are carried in an aircraft, the operator of the aircraft shall give the pilot-in-command the following information in writing before departure:

13. In § 175.85 paragraph (f) is added to read as follows:

§ 175.85 Cargo location.

(f) Paragraphs (a) and (e) of this section do not apply to a person operating an aircraft under § 175.310 which, because of its size and configuration, makes it impossible for that person to comply.

14. In § 175.305, paragraph (a)(4) is revised to read as follows:

§ 175.305 Self-propelled vehicles.

(a) * * *

(4) Each area or compartment in which a self-propelled vehicle is being transported is suitably ventilated to prevent the accumulation of fuel vapors.

15. In § 175.310, paragraph (c)(4)(iii) is deleted; paragraph (e) is revised to read as follows:

§ 175.310 Transportation of flammable liquid fuel in small, passenger-carrying aircraft.

- (c) * * *
- (4) * * *
- (iii) [Deleted].

(e) Each area or compartment in which the fuel is loaded is suitably ventilated to prevent the accumulation of fuel vapors.

16. In § 175.320, paragraph (b)(8) is revised to read as follows:

§ 175.320 Cargo-only aircraft; only means of transportation.

(b) * * *

(8) When Class A explosives are carried aboard cargo-only aircraft under the provisions of this section, the aircraft operator shall take all possible action to insure that routes over heavily populated areas are avoided commensurate with considerations of flight safety. During the approach and landing phase, the aircraft operator shall request appropriate vectors when under radar control to avoid heavily populated areas.

(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 have a major economic impact under the terms of Executive Order 12044 and DOT implementing procedures (44 FR 11034), nor an environmental impact 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 February 20, 1980.

L. D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 80-8001 Filed 2-27-80; 8:15 am]

BILLING CODE 4910-60-M

49 CFR Part 171

[Docket No. HM-22; Amdt. No. 171-52]

International Maritime Dangerous Goods Code; Matter Incorporated by Reference

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

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to update the reference in 49 CFR 171.7 to the International Maritime Dangerous Goods Code (IMCO Code) in order to recognize Amendment 16-78 to the IMCO Code.

EFFECTIVE DATE: March 1, 1980.

FOR FURTHER INFORMATION CONTACT:

Edward A. Altemos, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Department of Transportation, 400 Seventh Street, S.W., Washington, D.C. 20590, telephone (202) 426-0656.

SUPPLEMENTARY INFORMATION: The Materials Transportation Bureau finds it necessary in the public interest to amend regulations in 49 CFR 171.7 to recognize Amendment 16-78 to the IMCO Code which has recently been published by the Inter-Governmental Maritime Consultative Organization (IMCO). This amendment promulgates numerous miscellaneous changes to the IMCO Code and addresses such matters as listing, classification, labeling, packaging, and marking of packages with United Nations package specification identification codes. IMCO has established March 1, 1980, as the implementation date for this amendment. Since this rule does not impose additional requirements, notice and public procedure thereon are considered unnecessary. The primary drafter of this document is Edward A. Altemos, International Standards Coordinator, Office of Hazardous Materials Regulation.

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

In consideration of the foregoing, Title 49, Code of Federal Regulations, § 171.7(d)(17) is revised to read as follows:

§ 171.7 Matter incorporated by reference.

* * * * *

(d) * * *

(17) "International Maritime Dangerous Goods Code" (IMCO Code), Volumes I, II, III and IV, 1977 Edition, and Amendments 14-76, 15-77, and 16-78 thereto.

* * * * *

(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 have a major economic impact under the terms of Executive Order 12044 and DOT implementing procedures (44 FR 11034) nor an environmental impact which would require the preparation of 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 February 15, 1980.

L. D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 80-5719 Filed 2-27-80; 8:45 am]

BILLING CODE 4910-60-M

INTERSTATE COMMERCE COMMISSION**49 CFR Part 1057**

[Ex Parte No. MC-43 (Sub-No. 7)]

Lease and Interchange of Vehicles

AGENCY: Interstate Commerce Commission.

ACTION: Final rules.

SUMMARY: The Commission is amending its leasing rules which set forth the general requirements and exemptions concerning exclusive possession of, and responsibility for, leased equipment, by the authorized carrier lessee. Specifically, the Commission is revising the language of the exemptions at 49 CFR 1057.26 and including it with the general requirements at 49 CFR 1057.12(d). This action is being taken to avoid possible interpretive problems and to have the rules better reflect the Commission's intent in the area.

EFFECTIVE DATE: March 31, 1980.

FOR FURTHER INFORMATION CONTACT:

Donald J. Shaw, Jr., Phone: 202-275-7292.

SUPPLEMENTARY INFORMATION:

In a notice¹ served March 23, 1979, the Commission stated that the exclusive possession and responsibilities provisions of its new leasing rules, 49 CFR 1057.12(d), and the related exemption provisions, 49 CFR 1057.26, could be subject to interpretation problems. Arguably, the provisions could be construed in such a way as to subvert the Commission's intent in the area. As stated in the notice, the wording of § 1057.26(a), in its present form, could potentially allow parties to exempt completely the authorized carrier lessee from the general requirements of § 1057.12(d) for the duration of the lease merely by including a provision in the lease to the effect that the authorized carrier may be considered as the owner of the equipment for the purpose of subleasing it. By that exemption, the Commission only intended to allow for subleasing. Exclusive possession, responsibility, and control over the leased equipment would remain with the authorized

carrier lessee at all times except during the actual period of the sublease. This is consistent with the old leasing rules in that area which the Commission did not intend to change substantively when it adopted the revised rules in question.

To rectify any interpretive problems, the Commission put forth a specific proposal in the March 23, 1979, notice which involved amending § 1057.12(d) and excising § 1057.26 in its entirety. Interested parties were afforded 30 days from the date of publication of the notice to submit written comments regarding the proposed changes. No comments were received with respect to this issue.

Because we believe that the proposed changes will eliminate the potential for misinterpretation and better reflect the Commission's intent, they will be adopted as final rules. Section 1057.12(d) will be amended in conformance with the specific language set forth in the March 23 notice. However, the section will be applied only to those parties already within the ambit of the new regulations. Its application to leases between motor carriers of household goods and their agents will be withheld pending a final decision regarding the applicability of the rules in general to such parties. Present § 1057.26 will be excised in its entirety.

This decision does not affect significantly the quality of the human environment or energy consumption.

It is ordered:

§ 1057.26 [Deleted]

Section 1057.26 of the leasing rules, 49 CFR 1057.26 is deleted in its entirety and 49 CFR 1057.12(d) is amended to read as follows:

§ 1057.12 [Amended]

* * * * *

(d) *Exclusive possession and responsibilities.*

(1) The lease shall provide that the authorized carrier lessee shall have exclusive possession, control, and use of the equipment for the duration of the lease. The lease shall further provide that the authorized carrier lessee shall assume complete responsibility for the operation of the equipment for the duration of the lease.

(2) Provision may be made in the lease for considering the authorized carrier lessee as the owner of the equipment for the purpose of subleasing it under these regulations to other authorized carriers during the lease.

(3) When an authorized carrier of household goods leases equipment for the transportation of household goods, as defined by the Commission, the parties may provide in the lease that the

¹44 FR 18465 (1979).