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Young Long Paul Livingston

FL 9163

PROPOSED RULES

land submitted to the Regional Administrator a proposed revision of the Maryland State Implementation Plan for the attainment and maintenance of national ambient air quality standards (NAAQS). The proposed revision was defined in an Order issued by the Maryland Secretary of the Department of Health and Mental Hygiene on July 8, 1975. The proposal consisted of a request to grant an exception to the Westvaco Corp., Luke, Md., from Maryland's sulfur-in-fuel regulation (10.03.36.04B) which requires the use of fuel containing 1% or less sulfur by weight. The purpose of this request for an exception was to allow the Westvaco Corp., to burn coal with a higher sulfur content. At the same time the Westvaco Corp., would be allowed to emit up to 58 tons/day of sulfur dioxide (SO₂) from all fuel burning equipment. The State of Maryland justified this request with the following:

1. Westvaco desires to remain on coal firing, but has been unable to secure an adequate supply of 1 percent sulfur coal.
2. Desulfurization alternatives were not yet available to the company.
3. Such an exception would not cause violation of federal or state standards in the vicinity of the plant.

The State of Maryland submitted proof that a public hearing with adequate public notice was held on May 26, 1975, pursuant to 40 CFR Part 51, Requirements for Preparation, Adoption, and Submittal of State Implementation Plans.

The State of Maryland, on behalf of the Westvaco Corp., submitted a modeling analysis intended to demonstrate that the exception requested would not result in violations of NAAQS for SO₂. Upon review of the analysis, EPA determined that it was incorrect in a number of respects and underpredicts the impact of SO₂ emissions. Therefore EPA concluded that the analysis did not provide a demonstration that air quality standards would be attained or maintained if the exception were to be approved as a SIP revision. Subsequent meetings were held with the State of Maryland and Westvaco in attempts to resolve differences between the company's modeling approach in support of the request for exception and that which EPA believes to be appropriate. Although some minor differences were resolved, EPA maintained that, overall, the modeling analysis did not demonstrate that the SO₂ limitations specified in the exception request will not violate the NAAQS for SO₂. Accordingly, EPA informed the State of Maryland, in a letter dated February 28, 1977, that the exception request was unapprovable as a revision of the Maryland SIP.

On November 18, 1977, the State of Maryland submitted to the Regional

Administrator an Amendment to the aforementioned Secretarial Order. This submittal alters the originally proposed revision of the SIP in that the Westvaco Corp. would be limited to 49 tons/day of SO₂, instead of 58 tons/day. Also, under the terms of the Amendment, the Westvaco Corp. consents to its installing two meteorological stations and additional SO₂ monitors. The stated purposes of the additional equipment is to provide information regarding air quality levels and to verify the adequacy of the 49 ton/day emission limitation as determined by the Company's modeling analysis, or to establish with any new data, a different emission limitation. After evaluating the revised submittal, EPA maintains that the modeling analysis, including the most current revision dated June 14, 1977, does not demonstrate that the 49 ton/day SO₂ limitation will not violate NAAQS for SO₂. This determination is not altered by an evaluation of information contained in a February 2, 1978 report forwarded directly to EPA by Westvaco. Thus the agency believes that the revised request for an exception on behalf of the Westvaco Corporation is also unapprovable as a revision of the Maryland SIP.

The State of Maryland submitted proof that a public hearing on the Amendment to the Secretarial Order of July 8, 1975 was held on October 7, 1977, after adequate public notice, pursuant to 40 CFR Part 51, Requirements for Preparation, Adoption and Submittal of State Implementation Plans.

This notice is to advise the public of receipt of Maryland's request for an exception, and to request public comment on it. Only comments received before April 5, 1978, will be considered. The Administrator's decision to approve or disapprove this proposed revision will be based on whether it meets the requirements of Section 110 of the Clean Air Act and EPA regulations in 40 CFR Part 51.

Copies of the proposed revision, together with supporting documentation and correspondence, are available for public inspection during normal business hours at the offices of:

- U.S. Environmental Protection Agency, Region III, Air Programs Branch, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pa. 19106, ATTN: Mr. Harold Frankford (3AH11).
- Maryland State Bureau of Air Quality and Noise Control, 201 West Preston Street, Baltimore, Md. 21201, ATTN: Mr. George Ferreri.
- Public Information Reference Unit, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

All comments should be addressed to:

Mr. Howard R. Helm (3AH10), Chief, Air Planning Branch, Environmental Protec-

tion Agency, Region III, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pa. 19106, ATTN: AH006MD.

(42 U.S.C. 7401 et seq.)

Dated: February 27, 1978.

JACK J. SCHRAMM, Regional Administrator.

[FR Doc. 78-5707 Filed 3-3-78; 8:45 am]

[1505-01]

[40 CFR Part 141]

[FRL 861-5]

INTERIM PRIMARY DRINKING WATER REGULATIONS

Control of Organic Chemical Contaminants in Drinking Water

Correction

In FR Doc. 78-3414 appearing at page 5756 in the issue for Thursday, February 9, 1978, on page 5777, second column, (c) of § 141.12 should read as follows:

(c) Total trihalomethanes [the sum of the concentrations of bromodichloromethane, dibromochloromethane, tribromomethane (bromoform) and trichloromethane (chloroform)]."0.10 mg/l

[6560-01]

[40 CFR Part 180]

[FRL 863-4; PP 7E2001/P64]

PESTICIDE PROGRAMS

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Proposed Tolerances for The Pesticide Chemical Malathion

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that the insecticide malathion be used on birdsfoot trefoil. The proposal was submitted by the Interregional Research Project No. 4. This amendment to the regulations would establish a maximum permissible level for residues of malathion on birdsfoot trefoil.

DATE: Comments must be received on or before April 5, 1978.

ADDRESS COMMENTS TO: Federal Register Section, Technical Services Division (WH-569), Office of Pesticide

Programs, EPA, Room 401, East Tower, 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Mrs. Patricia Critchlow, Registration Division (WH-567), Office of Pesticide Programs, EPA, 202-755-2516.

SUPPLEMENTARY INFORMATION: Dr. C. C. Compton, Interregional Research Project No. 4, New Jersey State Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, N.J. 08903, on behalf of the IR-4 Technical Committee and the Agricultural Experiment Station of New York has submitted a pesticide petition (PP 7E2001) to the EPA. This petition requests that the Administrator propose that 40 CFR 180.111 be amended by the establishment of a tolerance for residues of the insecticide malathion (O,O-dimethyl dithiophosphate of diethyl mercaptosuccinate) in or on the raw agricultural commodity birdsfoot trefoil at 135 parts per million (ppm).

The data submitted in the petition and all other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerance is sought, and it is concluded that the tolerance of 135 ppm established by amending 40 CFR 180.111 will protect the public health.

The toxicological data considered in support of the proposed tolerance included rat and mouse oral acute toxicity determinations, recombinant assay and reversion assay mutagenicity studies, a delayed neurotoxicity study, a single-dose intraperitoneal teratology study, a one-generation reproduction study, two 2-year rat-feeding studies, and a 47-day human-feeding study. Since birdsfoot trefoil is not a human food but a substitute forage crop for alfalfa on which a tolerance is already established and since tolerances are also established in meat, milk, and meat byproducts, the Toxicology Branch concludes that there will be no increase in residues contributed to the human diet resulting from the proposed use. Oncogenic studies in two species, a multigeneration reproduction study, and a teratology (feeling) study, are lacking.

An adequate analytical method (gas chromatography using electron capture detection) is available for enforcement purposes, and the nature of the residues is adequately delineated. Tolerances have previously been established (40 CFR 180.111) for residues of malathion on a variety of raw agricultural commodities ranging from 135 ppm to 0.1 ppm.

There is no reasonable expectation of residues in eggs and poultry from the proposed use. The established tolerances for residues in meat and milk are adequate to cover secondary resi-

dues resulting from the proposed use as delineated in 40 CFR 180.6(a)(2).

It is proposed, therefore, that the tolerance be established as set forth below.

Any person who has registered, or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act which contains any of the ingredients listed herein may request, on or before April 5, 1978, that this rule-making proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. The comments must bear a notation indicating both the subject and the petition/document control number, "PP7E2001/P64". All written comments filed in response to this notice of proposed rulemaking will be available for public inspection in the office of the Federal Register from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: February 27, 1978.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

STATUTORY AUTHORITY: Sec. 408(e), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 345a(e)).

It is proposed that Part 180, Subpart C, section 180.111 be revised in its entirety by editorially reformatting the section into an alphabetized columnar listing and alphabetically inserting the new tolerance of 135 ppm on birdsfoot trefoil, as follows:

§ 180.111 Malathion; tolerances for residues.

Tolerances are established for residues of the insecticide malathion (O,O-dimethyl dithiophosphate of diethyl mercaptosuccinate) in or on the following raw agricultural commodities:

Commodity	Parts per million
Alfalfa (PRE-H)	135
Almond hulls (PRE-H)	50
Almonds (PRE- and POST-H)	8
Apples (PRE-H)	8
Apricots (PRE-H)	8
Asparagus (PRE-H)	8
Avocados (PRE-H)	8
Barley, grain (PRE- and POST-H)	8
Beans (PRE-H)	8
Beets (including tops) (PRE-H)	8
Beets, sugar, roots (PRE-H)	1
Beets, sugar, tops (PRE-H)	8
Birdsfoot trefoil, forage (PRE-H)	135
Birdsfoot trefoil, hay (PRE-H)	135
Blackberries (PRE-H)	8
Blueberries (PRE-H)	8
Boysenberries (PRE-H)	8
Broccoli (PRE-H)	8
Brussels sprouts (PRE-H)	8
Cabbage (PRE-H)	8
Carrots (PRE-H)	8
Cattle, fat (PRE-S)	4
Cattle, meat (PRE-S)	4
Cauliflower (PRE-H)	8
Celery (PRE-H)	8

Commodity	Parts per million
Cherries (PRE-H)	8
Chestnuts (PRE-H)	1
Clover (PRE-H)	135
Collards (PRE-H)	8
Corn, forage (PRE-H)	8
Corn, fresh (including sweet K + CWHR) (PRE-H)	2
Corn, grain (POST-H)	8
Cottensseed (PRE-H)	2
Cowpea, forage (PRE-H)	135
Cowpea, hay (PRE-H)	135
Cranberries (PRE-H)	8
Cucumbers (PRE-H)	8
Currants (PRE-H)	8
Dandelions (PRE-H)	8
Dates (PRE-H)	8
Dewberries (PRE-H)	8
Eggplants (PRE-H)	8
Eggs (from application to poultry)	0.1
Endive (escarole) (PRE-H)	8
Figs (PRE-H)	8
Filberts (PRE-H)	1
Garlic (PRE-H)	8
Goats, fat (PRE-S)	4
Goats, mby ¹ (PRE-S)	4
Goats, meat (PRE-S)	4
Gooseberries (PRE-H)	8
Grapefruit (PRE-H)	8
Grapes (PRE-H)	8
Grass (PRE-H)	135
Grass, hay (PRE-H)	135
Guavas (PRE-H)	8
Hogs, fat (PRE-S)	4
Hogs, mby ¹ (PRE-S)	4
Hogs, meat (PRE-S)	4
Hops (PRE-H)	1
Horseradish (PRE-H)	8
Horses, fat (PRE-S)	4
Horses, mby ¹ (PRE-S)	4
Horses, meat (PRE-S)	4
Kale (PRE-H)	8
Kohlrabi (PRE-H)	8
Kumquats (PRE-H)	8
Leeks (PRE-H)	8
Lemons (PRE-H)	8
Lentils (PRE-H)	8
Lespedeza, hay (PRE-H)	135
Lespedeza, seed (PRE-H)	8
Lespedeza, straw (PRE-H)	135
Lettuce (PRE-H)	8
Limes (PRE-H)	8
Loganberries (PRE-H)	8
Lupine, hay (PRE-H)	135
Lupine, seed (PRE-H)	8
Lupine, straw (PRE-H)	135
Macadamia nuts (PRE-H)	1
Mangos (PRE-H)	8
Melons (PRE-H)	8
Milk, fat (from application to dairy cows)	0.5
Mushrooms (PRE-H)	8
Mustard greens (PRE-H)	8
Nectarines (PRE-H)	8
Oats, grain (PRE- and POST-H)	8
Okra (PRE-H)	8
Onions (including green onions) (PRE-H)	8
Oranges (PRE-H)	8
Papayas (PRE-H)	1
Parsley (PRE-H)	8
Parsnips (PRE-H)	8
Passion fruit (PRE-H)	8
Peaches (PRE-H)	8
Peanut, forage (PRE-H)	135
Peanut, hay (PRE-H)	135
Peanuts (PRE- and POST-H)	8
Pears (PRE-H)	8
Peas (PRE-H)	8
Peayine, hay (PRE-H)	8
Peavines (PRE-H)	8
Pecans (PRE-H)	8
Peppermint (PRE-H)	8
Peppers (PRE-H)	8
Pineapples (PRE-H)	8
Plums (PRE-H)	8
Potatoes (PRE-H)	8
Poultry, fat (PRE-S)	4
Poultry, mby ¹ (PRE-S)	4
Poultry, meat (PRE-S)	4
Prunes (PRE-H)	8
Pumpkins (PRE-H)	8
Quinces (PRE-H)	8
Radishes (PRE-H)	8

Commodity	Parts per million
Raspberries (PRE-H).....	8
Rice, grain (PRE- and POST-H).....	8
Rutabagas (PRE-H).....	8
Rye, grain (PRE- and POST-H).....	8
Safflower, seed (PRE-H).....	0.2
Salsify (including tops) (PRE-H).....	8
Shallots (PRE-H).....	8
Sheep, fat (PRE-S).....	4
Sheep, mby ¹ (PRE-S).....	4
Sheep, meat (PRE-S).....	4
Sorghum, forage (PRE-H).....	8
Sorghum, grain (PRE- and POST-H).....	8
Soybeans (dry and succulent) (PRE-H).....	8
Soybeans, forage (PRE-H).....	135
Soybeans, hay (PRE-H).....	135
Spearment (PRE-H).....	8
Spinach (PRE-H).....	8
Squash, summer and winter (PRE-H).....	8
Strawberries (PRE-H).....	8
Sweet potatoes (PRE-H).....	1
Swiss chard (PRE-H).....	8
Tangerines (PRE-H).....	8
Tomatoes (PRE-H).....	8
Turnips (including tops) (PRE-H).....	8
Vetch, hay (PRE-H).....	135
Vetch, seed (PRE-H).....	8
Vetch, straw (PRE-H).....	135
Walnuts (PRE-H).....	8
Watercress (PRE-H).....	8
Wheat, grain (PRE- and POST-H).....	8

¹The tolerance level shall not be exceeded in any cut of meat or in any meat byproduct from cattle, goats, hogs, horses, poultry, or sheep.

[FR Doc. 78-5716 Filed 3-3-78; 8:45 am]

[6560-01]

[40 CFR Part 180]

[FRL 863-5; PP 6E1747/P62]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Proposed Tolerances for the Pesticide Chemical 5-ethoxy-3-trichloromethyl-1,2,4-thiadiazole

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that a tolerance be established for residues of the fungicide 5-ethoxy-3-trichloromethyl-1,2,4-thiadiazole. The proposal was submitted by the California State Dept. of Food and Agriculture. This amendment will establish a maximum permissible level for residues of the subject fungicide on avocados.

DATE: Comments must be received on or before April 5, 1978.

ADDRESS COMMENTS TO: Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, Rm. 401, East Tower, 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Mrs. Patricia Critchlow, Registration Division (WH-567), Office of Pesticide Programs, Environmental Protection Agency, 202-755-2516.

SUPPLEMENTARY INFORMATION: The California State Dept. of Food and Agriculture, Agricultural Chemicals and Feed, 1220 N Street, Sacramento, Calif. 95814, has submitted a pesticide petition (PP 6E1747) to the EPA. The petition requests that the Administrator propose that 40 CFR Part 180 be amended by the establishment of a tolerance for combined residues of the fungicide 5-ethoxy-3-trichloromethyl-1,2,4-thiadiazole and its monoacid metabolite 3-carboxy-5-ethoxy-1,2,4-thiadiazole in or on the raw agricultural commodity avocados at 0.15 part per million (ppm).

The data submitted in the petition and other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerance is sought. The toxicology data considered in support of the proposed 0.15 ppm tolerance were a two-year rat and dog-feeding study with no-effect levels (NEL) of 80 ppm based on systemic effects in the rat study and 100 ppm based on the dog study, a three-generation rat reproduction study with an NEL of 80 ppm, and an oral lethal dose (LD₅₀) study in rats.

There is no reasonable expectation of residues in eggs, meat, milk, or poultry as delineated in 40 CFR 180.6(a)(3). The nature of the residue is adequately understood, and adequate analytical methods (electron capture gas-liquid chromatography and liquid chromatography using a UV detector) are available for enforcement purposes. An interim tolerance has previously been established (40 CFR 180.319) for residues of the subject fungicide on cottonseed at 0.3 ppm.

A second oncogenicity study and a teratogenicity study are lacking. However, based on: (1) The above information considered by the Agency; (2) the fact that there is no expectation of residues on avocados; and (3) the insignificance of avocados in the diet, it is concluded that the tolerance of 0.15 ppm established by amending 40 CFR Part 180 would protect the public health. Should any information develop to show adverse effects from the fungicide on man or the environment, the petitioner has agreed not to contest a revocation of the tolerance by this Agency. It is proposed, therefore, that the tolerance be established as set forth below.

Any person who has registered, or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act which contains any of the ingredients listed herein may request, on or before April 5, 1978 that this rule-making proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. The comments must bear a notation indicating both the subject and the petition/document control number, "PP6E1747/P62". All written comments filed in response to this notice of proposed rulemaking will be available for public inspection in the Office of the Federal Register from 8:30 a.m. to 4 p.m., Monday through Friday.

Dated: February 27, 1978.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

(Sec. 408(e), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(e)).)

It is proposed that Part 180, Subpart C, be amended by adding the new § 180.370 to read as follows:

§ 180.370 5-Ethoxy-3-trichloromethyl-1,2,4-thiadiazole; tolerances for residues.

Tolerances are established for combined residues of the fungicide 5-ethoxy-3-trichloromethyl-1,2,4-thiadiazole and its monoacid metabolite 3-carboxy-5-ethoxy-1,2,4-thiadiazole in or on the following raw agricultural commodities:

Commodity:	Parts per million
Avocados.....	0.15

[FR Doc. 78-5717 Filed 3-3-78; 8:45 am]

[4910-14]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Part 4]

[CGD 77-036]

VESSEL REPORTING REQUIREMENTS

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: The Coast Guard is considering amending the Marine Investigation regulations in order to eliminate dual reporting requirements imposed upon certain vessels. Vessels that do not hold a Certificate of Inspection and that are either numbered under the provisions of the Federal Boat Safety Act of 1971, or used by their operators for recreational purposes are presently subject to dual reporting requirements for accidents or casualties. This proposed amendment will eliminate the undue burden currently imposed upon the owners of these vessels.

DATES: Comments must be received on or before April 23, 1978.

ADDRESSES: Comments should be submitted to Commandant (G-CMC/

81) (CGD 77-036), U.S. Coast Guard, Washington, D.C. 20590. Comments will be available for examination at the Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

Captain George K. Greiner, Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-1477.

SUPPLEMENTARY INFORMATION:

Interested persons are invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Each comment should include the name and address of the person submitting the comment, reference this notice (CGD 77-036), identify the specific section of the proposal to which each comment applies, and give the reasons for each comment. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned but one may be held at a time and place to be set in a later notice in the FEDERAL REGISTER if requested in writing by an interested person raising a genuine issue and desiring to comment orally at a public hearing.

DRAFTING INFORMATION

The principal persons involved in drafting this proposal are: Lieutenant Anthony Regalbuto, Project Manager, Office of Merchant Marine Safety, and Edward J. Gill, Jr., Project Attorney, Office of the Chief Counsel.

DISCUSSION OF THE PROPOSED REGULATIONS

An operator of a vessel that does not hold a Certificate of Inspection and that is either numbered under the provisions of the Federal Boat Safety Act of 1971, or used by the operator for recreational purposes, is required by 33 CFR 173.55 to submit Coast Guard Form CG-3865, Boating Accident Report, or an equivalent form prescribed by state authorities whenever the vessel or equipment is involved in any occurrence specified in 33 CFR 173.55. If such a vessel is involved in a casualty which meets the reporting criteria in 46 CFR 4.05-1, then the operator is also required to submit Coast Guard Form CG-2692, Report of Vessel Casualty or Accident and Coast Guard Form CG-924E, Report of Personal Injury. The reporting criteria for 46 CFR 4.05-1 and 33 CFR 173.55 overlap whenever a vessel or its equipment is involved in a casualty or accident where there is loss of life, injury causing any persons to remain inca-

pacitated for a period in excess of 72 hours, or actual physical damage to property in excess of \$1,500.00.

In consideration of the foregoing, it is proposed that part 4 of Title 46 of the Code of Federal Regulations be amended by adding a new §4.01-3 to read as follows:

§4.01-3 Reporting exclusion.

Vessels subject to 33 CFR 173.51 are excluded from the requirements of Subpart 4.05.

(Sec. 10, 18 Stat. 128, as amended (33 U.S.C. 361); R.S. 4462, as amended (46 U.S.C. 416); Sec. 17, 54 Stat. 166, as amended (46 U.S.C. 526p); Sec. 6(b)(1), 80 Stat. 937 (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(b)).

NOTE.—The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended, and OMB Circular A-107.

Dated: March 1, 1978.

O. W. SILER,
Admiral, U.S. Coast Guard,
Commandant.

[FR Doc. 78-5799 Filed 3-3-78; 8:45 am]

[4910-22]

Federal Highway Administration

[49 CFR Part 393]

[BMCS Docket No. MC-82; Notice No. 78-51]

PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATIONS

Proposed Rulemaking

AGENCY: Federal Highway Administration, DOT.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: There is concern that the Federal Motor Carrier Safety Regulations (FMCSR) which are applicable to users of commercial vehicles in interstate and foreign commerce, and the Federal Motor Vehicle Safety Standards which are applicable to manufacturers of new motor vehicles and new vehicle equipment do not conform in certain instances resulting in the appearance of inconsistency. This document proposes changes to the Federal Motor Carrier Safety Regulations to coordinate the FMCSR and the FMVSS, and also to resolve the inconsistencies in the regulations.

DATES: Comments must be received on or before August 3, 1978.

ADDRESSES: BMCS Docket Number MC-82, Bureau of Motor Carrier Safety, Federal Highway Administration, Room 3402, 400 Seventh Street SW., Washington, D.C. 20590.

All comments and suggestions received will be available for examination at the above address between 7:45 a.m. and 4:15 p.m. e.s.t., Monday through Friday.

FOR FURTHER INFORMATION CONTACT:

Mr. D. W. Morrison, Chief, Vehicle Requirements Branch, Bureau of Motor Carrier Safety, 202-426-1700; or Mrs. K. S. Markman, Attorney, Office of the Chief Counsel, 202-426-0786, Federal Highway Administration, 400 Seventh Street SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. e.s.t., Monday through Friday.

SUPPLEMENTARY INFORMATION:

The Federal Motor Carrier Safety Regulations apply to users of commercial vehicles in interstate or foreign commerce, while the Federal Motor Vehicle Safety Standards apply to manufacturers of new vehicles and vehicle equipment. Concern has been expressed that the two sets of regulations do not conform in certain instances, resulting in the appearance of inconsistency.

The principal reasons for the issuance of this notice are to coordinate the FMCSR and the FMVSS and to resolve inconsistencies in the requirements where they may exist. In instances in which the two sets of regulations, FMCSR and FMVSS, are not complementary, confusion could arise among commercial vehicle owners, operators, and manufacturers as to which set of regulations should be adhered to. The possibility exists that a vehicle may be manufactured in accordance with FMVSS requirements but once that same vehicle is put in operation, it may be in violation of a particular FMCSR. In order to eliminate possible discrepancies, it is recommended that 49 CFR 393.45, 393.46, 393.60 and 393.80 be amended. In §393.45(a)(6), the proposed change is the inclusion of FMVSS 106 as a requirement for commercial vehicles in use. In §393.46, the addition of a new paragraph, §393.46(e), is proposed. The new paragraph, (e), would require compliance with FMVSS 106 where applicable for vehicles manufactured on and after April 1, 1979. In §393.60, the proposed change would amend §393.60(a) by deleting the American Safety Standard Code year of "1964" and substituting in its place "1968" and supplements through March 1969. Changing the Safety Code reference date in the subject FMCSR would bring BMCS requirements into line with those of NHTSA. Presently, the FMCSR, following 1964 Safety Code guidelines, requires fewer samples of glass to be used in vehicles' windows be subjected to the prescribed tests. The newer guidelines, on which the NHTSA regulations are based, include