address: Dockets Branch, Research and Special Programs Administration, U.S. Department of Transportation, Washington, D.C. 20590. The Dockets Branch is located in Room 8426 of the Nassif Building, 400 7th Street, S.W., Washington, D.C. 20590. Office hours are 8:30 a.m. to 5:00 p.m., Monday through Friday. Telephone (202) 426-3148.

FOR FURTHER INFORMATION CONTACT: Thomas G. Allan, Standards Division, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Washington, D.C. 20590. Telephone (202) 426-2075.

SUPPLEMENTARY INFORMATION: The MTB published a Notice of Proposed Exemption Renewal on April 9, 1981 (46 FR 21202) seeking public comment on the proposed renewal for two years of the exemption found at 49 CFR 172.204(c)(4), 175.10(a)(6) and 175.700(c) for air transportation of limited quantities of materials exhibiting low levels of radiation. The period for submitting comments ended on April 17, 1981, during which MTB received three comments concerning the proposal. All comments support the renewal of this exemption.

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 are discussed in that amendment and the preceding notice of proposed rulemaking (44 FR 15748, March 15, 1979). The present exemption expires on May 3, 1981. The MTB is renewing the exemption on the finding that renewal is consistent with the public interest and safety.

In consideration of the foregoing, Parts 172 and 175 of Title 49, Code of Federal Regulations are amended as follows:

PART 172—HAZARDOUS MATERIALS TABLES AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS

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

§ 175.700 Special limitations and requirements; radioactive materials packages in passenger-carrying aircraft.

* * * * *

(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, Appendix A to Part 1, and paragraph (a)(4) of Appendix A to Part 106.

Note.—The Materials Transportation Bureau has determined that this 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 draft regulatory evaluation and environmental assessment is available for review in the Docket. Based on limited information available concerning size and nature of entities likely to be affected by these amendments, I certify that this amendment will not, as promulgated, have a signficiant economic impact on a substantial number of small entities. These amendments will not affect not-for-profit enterprises, or small governmental jurisdictions. Small businesses potentially affected include light manufacturing, air carriers, wholesale traders, health services, and research and development services. The total number of such small entities affected is likely to be less than 100,000. The economic impact on such small entities will be positive.

Issued in Washington, D.C. on April 24, 1981.

L. D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 81-12888 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-60-M

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49 CFR Part 174

[Docket No. HM-167; Amdt. No. 174-40A]

Intermodal Portable Tanks—"Trailer-on-Flatcar Service"

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

ACTION: Final rule.

SUMMARY: The purpose of this final rule is to revise a regulation which prohibits the transportation of an IM 101 or IM 102 portable tank in trailer-on-flatcar (TOFC) service. The regulation, which prohibits TOFC rail service, was promulgated in a final rule issued under Docket HM-167, Intermodal Portable Tanks, published on January 29, 1981 (46 FR 9880). The effect of this final rule is to permit TOFC service under conditions specified by the Associate Administrator for Safety of the Federal Railroad Administration.

The Materials Transportation Bureau (MTB) believes that this revision to the final regulation governing TOFC service by rail (§ 174.63(d)(2)), is needed to allow the continuation of a needed service, and will impose no undue burden on persons affected by the regulations.

EFFECTIVE DATE: May 1, 1981.

FOR FURTHER INFORMATION CONTACT: Richard C. Barlow (202-755-4906), Office of Hazardous Materials Regulation, Materials Transportation Bureau, Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are 8:00 a.m. to 4:30 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: On January 29, 1981, the MTB published the final rule on Intermodal Portable Tanks under Docket HM-167 (46 FR 9880) which authorized the use of two new specification intermodal portable tanks. One of the principal commenters to the NPRM under Docket HM-167 was the AAR who submitted several comments concerning the design, test, and usage of IM portable tanks when carried in rail service. The AAR comments were discussed in the preamble to the final rule (46 FR 9881-9883).

The AAR took exception to the proposed authorization for the

transportation of portable tanks in TOFC service. The MTB and the FRA carefully reviewed the matter and decided that there may be merit in AAR's comments. As a result, TOFC service was prohibited in the final rule and MTB opened Docket HM-177 entitled, "Transportation of Hazardous Materials in TOFC Service." In addition, the MTB held a public hearing on February 25, 1981 (46 FR 8055), in Rosemont, Illinois, at which a representative of the AAR stated he did not believe that tank containers were being transported at high centers of gravity (higher than 98 inches above rail) in TOFC operations. Subsequent to the hearing, a petition for reconsideration of the final rule issued under Docket HM-167 was received from the AAR removing its objection to authorized transportation of portable tanks in TOFC service. However, the AAR objected to the requirement of obtaining FRA approval for container-on-flatcar (COFC) service. Rather, the AAR proposal supported the use of industry standards to monitor TOFC and COFC service. The MTB is not aware of the existence of a formal industry standard specifying conditions for TOFC and COFC transportation of hazardous materials in intermodal portable tanks. Therefore, the MTB will keep Docket HM-177 open to receive proposals for the adoption of such a standard. However, as an interim measure until proposals are received and considered during a rulemaking proceeding, FRA's Associate Administrator for Safety will approve the conditions for TOFC and COFC service for IM portable tanks, as is required for DOT 51, 56, and 57 portable tanks and cargo tanks (See §§ 174.61(c) and 174.63(b)).

As stated in the preamble to the final rule (46 FR 9880, page 9888), the Office of Management and Budget (OMB) must clear the report preparation and recordkeeping requirements adopted in the rule. Acting under the Paperwork Reduction Act of 1980, OMB has approved the specified reporting and recordkeeping requirements; Applications for Designation as an Approval Agency (OMB Approval No. 2137-0008), Applications for Approval of an IM Portable Tank (OMB Approval No. 2137-0011), Certification Reports for an IM Portable Tank under DOT Exemption (OMB Approval No. 2137-0012), Proposed Addition (or Change) to IM Tank Table (OMB Approval No. 2137-0013), and Manufacturing Data and Test Reports (OMB Approval No. 2137-0014).

In consideration of the foregoing, § 174.63(d)(2) is revised to read as follows:

§ 174.63 Freight containers and portable tanks and IM portable tanks.

* * * * *

(d) * * *

(2) May not be transported in trailer-on-flatcar (TOFC) service except under conditions approved by the Associate Administrator for Safety, FRA.

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

Note.—The Materials Transportation Bureau has determined that, since this rule amends a previous final rule to permit the use of TOFC service in the rail mode, which service would have been prohibited by the previous final rule (46 FR 9880), this rule will reduce costs and regulatory burdens. Therefore, this document will not result in a "major rule" under the terms of Executive Order 12291, nor is it a "significant regulation" under DOT's regulatory policy and procedures (44 FR 11034). Furthermore, this rule does not 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.

Issued in Washington, D.C., on April 23, 1981.

Alan I. Roberts,

Acting Director, Materials Transportation Bureau.

[FR Doc. 81-13100 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Correction of Error in Lists of Endangered and Threatened Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule—correction of error.

SUMMARY: In the Federal Register (46 FR 11665) of February 10, 1981, the Service published a correction to an error that appeared in the May 20, 1980, Republication of Lists of Endangered and Threatened Species (45 FR 33768). This error involved the incorrect listing or Hartmann's mountain zebra (*Equus zebra hartmannae*) as an Endangered species; actually Hartmann's mountain zebra is officially listed as a threatened species. Unfortunately, the published correction, through a typographical error, perpetuated the false impression that Hartmann's mountain zebra is an Endangered species pursuant to the Act. The present notice informs the public that Hartmann's mountain zebra (*Equus zebra hartmannae*) is a Threatened species, not an Endangered species; it was officially listed as Threatened by publication of a rulemaking in the Federal Register (44 FR 49218) on August 21, 1979. We regret the perpetuation of this error, and apologize for the inconvenience it has caused. This notice was prepared by John L. Paradiso, Office of Endangered Species (703/235-11975).

Dated: April 24, 1981.

F. Eugene Hester,

Acting Director, Fish and Wildlife Service.

§ 17.11 [Amended]

Therefore, 50 CFR 17.11(h) is amended: By adding between "Zebra, Grevy's" and "Zebra, mountain:" Zebra, Hartmann's mountain—*Equus zebra hartmannae*—South West Africa/Nambia—Entire—T—54—NA—NA.

[FR Doc. 81-13095 Filed 4-29-81; 8:45 am]

BILLING CODE 4310-55-M

50 CFR 17

Endangered and Threatened Wildlife and Plants; Deferral of Effective Dates for Final Rules; Request for Comments

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Deferral of effective dates for final rules with request for comments.

SUMMARY: The Department of the Interior is deferring the effective date of rules issued in final form but not yet in effect to permit reconsideration of the rules under Executive Order 12291. The deferred rules relate to the Hawaiian Tree snails, the Texas poppy-mallow and gypsum wild buckwheat and Todsens pennyroyal. The Department is also requesting comments on whether the rules listed are major under Executive Order 12291.

DATES: The rules are deferred until May 30, 1981. This deferral is effective April 30, 1981. Comments must be received on or before May 15, 1981.

ADDRESSES: Written comments should be sent to Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, Fish and Wildlife Service, Telephone 703-235-2771 or Ms. Patricia Bangert, Office of the Solicitor, Telephone 202-343-2172.