

that the use of a larger safety valve may decrease the level of safety by reducing the effectiveness of the protective inert gas blanket and also expressed the view that, once auto-ignition occurs, the internal pressure of the tank car makes little difference.

The final rule added ethylene oxide as an additional commodity to the list of commodities previously covered in HM-144. Although the notice of proposed rulemaking in HM-174 proposed to require the larger safety valve on all newly constructed 105 tank cars and, hence, on cars built to carry ethylene oxide, the special focus on ethylene oxide as a commodity subject to the requirement did not occur until the final rule stage. It appears to MTB that once the focus turned to ethylene oxide, genuine concerns, albeit speculative ones at this point, began to develop about the impact of the larger valve for ethylene oxide because of its unique characteristics. Ethylene oxide is a flammable liquid which is toxic and corrosive. Once ignited, ethylene oxide will burn inside a tank car without additional oxygen.

MTB and the FRA are not persuaded by the scant information in petitions that the larger safety valve for ethylene oxide is less safe. Neither is MTB nor FRA persuaded that the safety benefits attributable to a larger valve are irrelevant for cars carrying ethylene oxide. However, MTB is extending the compliance date for the safety valve sizing requirement on specification 105 tank cars used to transport ethylene oxide to September 1, 1982, to afford the full AAR tank car committee and other interested parties an opportunity to study the question of safety valve sizing for ethylene oxide and to submit the results of any studies for review and consideration. MTB requests that any new information relating to this matter be submitted no later than June 1, 1982.

#### Findings and Amendment

In consideration of the foregoing, MTB hereby denies the requested modifications contained in all petitions for reconsideration under Docket HM-174 except to the extent relief is provided by the delay of the compliance date for safety valve sizing for specification 105 tank cars used to transport ethylene oxide.

In consideration of the foregoing, 49 CFR 179.102-12(a)(9) is revised to read as follows:

#### § 179.102-12 Ethylene oxide.

(a) \* \* \*

(9) Each tank built after August 31, 1981, shall be constructed in accordance with class 105J, except that the safety

relief valve requirements of § 179.106-2(c)(4) shall not apply. Each tank built after August 31, 1982, shall be constructed in accordance with class 105J.

(49 U.S.C. 1803, 1804, 1806; 49 CFR 1.53, Appendix A to Part 1)

**Note.**—The Materials Transportation Bureau has determined that this document will not result in 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.). I certify that this document will not have a significant economic impact of a substantial number of small entities. A regulatory evaluation and an environmental assessment for the actions taken in HM-174 are available for review in the docket.

Issued in Washington, D.C., on August 20, 1981.

L. D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 81-24731 Filed 9-21-81; 9:45 am]

BILLING CODE 4910-60-M

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Parts 13 and 21

#### Deletion of the Permit Requirement To Import or Export Migratory Birds

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Final rule.

**SUMMARY:** The Service amends 50 CFR Part 21, which is promulgated under authority of the Migratory Bird Treaty Act, to delete the import and export permit requirement found at 50 CFR 21.21. Importers and exporters of lawfully possessed migratory birds, including parts and products, no longer are required to obtain a permit from the Service, but still have to comply with other applicable provisions of State and Federal law. The import and export permit requirement was established in 1961, before a number of statutes were enacted which collectively restrict or prohibit the importation or exportation of most migratory birds. Also, the possession of migratory birds remains highly regulated. The combined effect on migratory birds of the other import and export controls and the Service's own enforcement of the possession prohibitions enables the Service to maintain effective enforcement of the Migratory Bird Treaty Act without the import and export permit requirement.

**EFFECTIVE DATE:** September 23, 1981.

**FOR FURTHER INFORMATION CONTACT:**

John T. Webb, Branch of Investigations, Division of Law Enforcement, Fish and Wildlife Service, U.S. Department of the Interior, P.O. Box 28006, Washington, D.C. 20005, telephone: (202) 343-9242.

#### SUPPLEMENTARY INFORMATION:

##### Background.

On May 29, 1981 (46 FR 28881), under authority of the Migratory Bird Treaty Act (MBTA), 16 U.S.C. 703-712, the Service proposed to amend 50 CFR Part 21 wherever necessary to allow the importation or exportation of lawfully possessed migratory birds (as defined by 50 CFR 10.12) without an import or export permit issued by the Service under 50 CFR 21.21. For the reasons stated in the preamble to the proposal, the migratory bird import/export permit was specifically targeted for review by the Department in its effort to eliminate excessive, unnecessary, burdensome, or counterproductive rules.

#### Summary and Analysis of Comments and Actions Taken

The proposed rule invited comments for 30 days ending June 29, 1981. The Service received 3 comments from the following sources: American Association of Zoological Parks and Aquariums (Paul S. Chaffee, President), Fort Worth Zoological Park (Elvie Turner, Jr., Director), and North American Falconers Association (Roger Thacker, President). Each of the commenters, in brief responses, supported the proposal as a way to reduce paperwork, expenses, and delays without affecting the conservation of migratory birds.

After reviewing the comments, the Service has decided that the comments indicate there is no need for any substantive changes. However, the Service has made one change on its own initiative. Section 21.14(a) has been revised to allow captive-reared and properly marked migratory waterfowl to be lawfully acquired outside of the United States from persons other than holders of valid waterfowl sale and disposal permits. Once the waterfowl are imported, they are subject to the same conditions and restrictions as other migratory waterfowl covered by that section.

#### Effect of the Final Rule

Except for the deletion of the import/export permit requirement in 50 CFR Part 21, all other prohibitions, restrictions, or conditions which are applicable to the importation or exportation of certain species or types of migratory birds remain in effect. Sources of these remaining prohibitions,

restrictions or conditions include the Endangered Species Act, Eagle Protection Act, Convention on International Trade in Endangered Species of Wild Fauna and Flora, Tariff Classification Act of 1962, 9 CFR Parts 92 and 94, and 50 CFR Part 20 (relating to migratory game birds taken while hunting).

In addition, a permit is still required in most instances to lawfully possess a migratory bird. It should also be noted that § 21.2(d), which now allows lawfully possessed migratory birds to be imported or exported without a Federal migratory bird permit, refers to lawful possession within the United States and not in the foreign country where the birds are acquired. A condition of both importation and exportation is that the migratory birds must be lawfully possessed in the United States.

#### Determinations of Effects

The Department of the Interior has determined that this is not a major rule under Executive Order 12291.

The Department has also certified that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act and 43 CFR Part 14. These findings are discussed in more detail in the preamble to the proposed rule (46 FR 28882).

#### National Environmental Policy Act

The service also solicited comments on the draft environmental assessment prepared in conjunction with the proposal. No comments were received. The final assessment is on file in the Service's Division of Law Enforcement, 1375 K Street, N.W., Washington, D.C., and may be examined during regular business hours. This assessment forms the basis for the decision that this final rule is not a major Federal action which would significantly affect the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969.

#### Regulation Promulgation

For the reason set out in the preamble, Subchapter B, Chapter I of Title 50, Code of Federal Regulations is amended as follows:

#### PART 13—GENERAL PERMIT PROCEDURES

##### Authority Citation

1. Revise the authority citation for Part 13 to read as follows:

**Authority:** Lacey Act, 62 Stat. 687, as amended, 63 Stat. 69, 74 Stat. 753, and 83 Stat. 281 (18 U.S.C. 42-44); Black Bass Act, sec. 5, 44 Stat. 576, as amended, 46 Stat. 846 (16 U.S.C. 852c); Migratory Bird Treaty Act, sec. 3, 40 Stat. 755 (16 U.S.C. 704); Bald Eagle Protection Act, sec. 2, 54 Stat. 251 (16 U.S.C. 668a); Tariff Classification Act of 1962, 19 U.S.C. 1202, "Schedule 1, Part 15D, Headnote 2(d), Tariff Schedules of the United States," 76 Stat. 72, Endangered Species Act of 1973, sec. 11(f), 87 Stat. 884; Fish and Wildlife Act of 1956, sec. 13(d), 86 Stat. 905 amending 85 Stat. 490 (16 U.S.C. 742j-1); Marine Mammal Protection Act of 1972, sec. 112(a), 88 Stat. 1042 (16 U.S.C. 1382); Act of August 31, 1951, Ch. 376, Title 5, sec. 501, 65 Stat. 290 (31 U.S.C. 483a).

##### § 13.12 [Amended]

2. Amend § 13.12(b) by deleting the entry "Import or export . . . 21.21" under Migratory bird permits on the list of types of permits.

#### PART 21—MIGRATORY BIRD PERMITS

##### Authority citation [Revised]

3. Revise the authority citation for Part 21 to read as follows:

**Authority:** Migratory Bird Treaty Act, Sec. 3, Pub. L. 65-186; 40 Stat. 755 (16 U.S.C. 704); Sec. 3(h)(3), Pub. L. 95-618, 92 Stat. 3112 (16 U.S.C. 712).

##### Table of contents [Amended]

4. Amend the Table of Contents by deleting the entry "Import and export permits" after § 21.21 and replacing it with the entry "[Reserved]."

##### § 21.1 [Amended]

5. Amend § 21.1 by deleting the words "export, import" immediately after the word "barter" and immediately before the word "banding."

##### § 21.2 [Amended]

6. Amend § 21.2(a) by deleting the words "imported, exported" immediately after the word "be" and immediately before the word "purchased."

7. Amend § 21.2 by adding a new paragraph (d) to read as follows:

##### § 21.2 Scope of regulations.

(d) Migratory birds, their parts, nests or eggs which are lawfully possessed may be imported or exported without a Federal migratory bird permit.

##### § 21.11 [Amended]

8. Amend § 21.11 by deleting the words "export or import" immediately after the word "barter" and immediately before the word "any."

##### § 21.13 [Amended]

9. Amend the introductory paragraph of § 21.13 by deleting the words "exported (but not imported)" immediately after the word "transported" and immediately before the words "and disposed."

10. Amend § 21.14 by revising paragraph (a) to read as follows:

§ 21.14 Permit exceptions for captive-reared migratory waterfowl other than mallard ducks.

(a) Such birds, alive or dead, or their eggs may be lawfully acquired only from holders of valid waterfowl sale and disposal permits, unless lawfully acquired outside of the United States, except that properly marked carcasses of such birds may also be lawfully acquired as provided under paragraph (c) of this section.

##### § 21.21 [Removed]

11. § 21.21 is removed and reserved.

Dated: August 7, 1981.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 81-24634 Filed 8-21-81; 6:45 am]

BILLING CODE 4310-55-M

## Proposed Rules

Federal Register

Vol. 46, No. 163

Monday, August 24, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

### SMALL BUSINESS ADMINISTRATION

#### 13 CFR Part 124

#### Hearings on Minority Small Business and Capital Ownership and Development Assistance

**AGENCY:** Small Business Administration.

**ACTION:** Notice of Public Hearings.

**SUMMARY:** On Monday, June 1, 1981, SBA published in the *Federal Register* (46 FR 29276) the proposed amendment to the current regulations of the Minority Small Business and Capital Ownership Development Assistance Program to establish a fixed period of time for every participant concern to remain in the Program. Because of the unusually great interest shown, the SBA will hold public hearings.

**DATES:** See "Supplementary Information" for dates of public hearings.

**ADDRESSES:** See "Supplementary Information" for locations of public hearings.

**FOR FURTHER INFORMATION CONTACT:** Bettye Bolden, Special Assistant to the Associate Administrator for Minority Small Business, 1441 L Street, NW, Washington, D.C. 20416, Telephone (202) 653-6851.

**SUPPLEMENTARY INFORMATION:** The particular areas covered in the Proposed Amendments are contained in the Supplementary Information published in the *Federal Register* on June 1, 1981 (46 FR 29276). The Proposed Amendments to the current regulations of the Minority Small Business and Capital Ownership Business Development Assistance Program are intended to implement the provisions of Public Law 96-481 (October 21, 1980) which require SBA to establish a fixed period of time for every participant concern to remain in the Program.

To assure the widest possible public participation, SBA will hold public hearings on this proposal on each of the following four regions. The dates, time

and places of these hearings are as follows:

#### *Region, Place, Date and Time*

- IX. Major's Conference Room, City Hall, Third Floor, 200 North Spring Street, Los Angeles, CA 90071; Sept. 18, 1981 (Wednesday), 8:30 am-12:00 Noon
- IV. Peachtree Banker's Bldg., 275 Peachtree Street, Room 556, Atlanta, GA; Sept. 18, 1981, (Friday), 9:00 am-1:00 pm
- V. Everett McKinley Dirksen Building, Ceremonial Courtroom #2525, 219 South Dearborn St., Chicago, Ill. 60604; Sept. 21, 1981, (Monday), 9:00 am-1:00 pm
- III. Departmental Auditorium, Conference Room B, 12th and 14th Streets, N.W., Washington, D.C. 20203; Sept. 23, 1981, (Wednesday) 8:00 am-1:00 pm

These hearings are factfinding in nature. The hearings will be chaired by Robert L. Wright, Jr., Associate Administrator for MSB/COD. Interested parties will be given a reasonable time for an oral presentation and may submit written statements of their oral presentation in advance, if they wish. If a large number of participants desire to make statements, a time limitation on each presentation will be imposed. In order that appropriate arrangements can be made, those wishing to attend should contact Ms. Bolden in Washington, D.C. at least five days prior to the meeting.

Members of the hearing panel may ask questions of the speaker, but speakers will not be allowed to question each other. Questions may be submitted in writing in advance, if possible to the Chair. If he determines them to be relevant, the Chair will direct them to the appropriate panel member.

Dated: August 19, 1981.

Michael Cardenas,  
Administrator.

[FR Doc. 81-24703 Filed 8-21-81; 8:45 am]  
BILLING CODE 8025-01-M

### DEPARTMENT OF TRANSPORTATION

#### Federal Aviation Administration

#### 14 CFR Parts 25 and 121

#### Advisory Material for Flight Attendant Seats

#### *Correction*

In FR Doc. 81-22978, appearing at page 40527, in the issue of Monday, August 10, 1981, make the following change: on page 40528, in the second column, paragraph b. *Extent Possible:*

change the eighth line to read "current fleet, the intent is not to require".

BILLING CODE 1505-01-M

### FEDERAL TRADE COMMISSION

#### 16 CFR Part 13

[File No. 812 3062]

#### Tomy Corp.; Proposed Consent Agreement With Analysis To Aid Public Comment

**AGENCY:** Federal Trade Commission.

**ACTION:** Proposed consent agreement.

**SUMMARY:** In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, accepted subject to final Commission approval, would require, among other things, a Carson, California corporation to cease, in connection with the advertising, distribution and sale of any doll house, accessory, or other toy product, misrepresenting that any collection of products is a set, unless all the products depicted are available for purchase as a set. The firm would be prohibited from misrepresenting the availability of any product; describing two or more toys in any advertisement which cannot be purchased as a set, unless accompanied by a disclosure that such products are sold separately; and failing to distribute a copy of the order to all operating divisions, including any entity engaged in the preparation of the firm's advertising.

**DATE:** Comments must be received on or before October 23, 1981.

**ADDRESS:** Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th St. and Pennsylvania Ave., N.W., Washington, D.C. 20580.

**FOR FURTHER INFORMATION CONTACT:** FTC/P, James H. Sneed, Washington, D.C. 20580, (202) 523-3727.

**SUPPLEMENTARY INFORMATION:** Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and accepted, subject to final approval, by