direction of the Chief of the Common Carrier Bureau."

§ 1.972 [Amended]

2. In § 1.972, paragraph (c) is revised by removing in the second paragraph the second sentence that reads as follows: "Each such random selection shall be conducted under the direction of the Chief of the Private Radio Bureau."

§ 1.603 [Amended]

3. In § 1.1603, the present text of paragraph (a) is removed and paragraph (b) is redesignated as the text of the section.

[FR Doc. 83-25922 Filed 9-22-83; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 25

Procedural Dates Clarified for New Satellite Filings

AGENCY: Federal Communications Commission.

ACTION: Rule-related notice.

SUMMARY: This document clarifies various procedural dates for new satellite filings established by the Commission's Report and Order in CC Docket No. 81-704, FCC 83-184 released August 16, 1983 (48 FR 40233, Sept. 6, 1983), 1983 Orbit Assignment Order, FCC 83-186 released August 12, 1983, and new application processing order, FCC 83-185 released August 12, 1983 (48 FR 40256, Sept., 6, 1983). Specific dates were specified for filing Petitions for Reconsideration, Acceptance of Authorizations, New Applications, and Proposed Exchanges of Orbit Locations.

DATES: The two key dates are October 6, 1983 for petitions and November 7, 1983 for new applications.

FOR FURTHER INFORMATION CONTACT: Cecily Holiday or Robert Mazer, Common Carrier Bureau, (202) 634-1624.

[Report No. DS-207.

Procedural Dates Clarified for New Satellite Filings

September 9, 1983.

The Commission's *Report and Order* in CC Docket No. 81-704, FCC 83-184 released August 16, 1983, was published in the **Federal Register** on September 6, 1983. The following procedural dates are accordingly established.

Petitions for Reconsideration. Any petition seeking reconsideration of the *Report and Order, supra,* the *1983 Orbit Assignment Order,*[1] or the *1983 Processing Order,*[2] must be filed with the Commission on or before October 6, 1983. [3] Oppositions and replies will be due by the dates determined in accordance with Section 1.429 of the Commission's Rules and Regulations, 47 CFR 1.429, with respect to a petition for reconsideration of the *Report and Order.*

Acceptance of Authorizations. Each grantee of an authorization listed in note 3 *supra* is afforded until September 16, 1983 to decline its authorization as conditioned. Failure to respond within that period will constitute formal acceptance of the authorization as conditioned.[4]

New Applications. Any application for a new domestic satellite space station authorization must be filed in a form acceptable for filing by November 7, 1983 if it is to be considered by the Commission in conjunction with the applications listed in Appendix A to the *1983 Processing Order, supra.* Any other entity proposing the construction and operation of a satellite that is to employ frequencies and orbit locations usable by domestic satellites [5] must have an application on file by the same date if it is to be considered in conjunction with such domestic satellites with respect to the assignment of specific frequencies and orbit locations to domestic satellites. The assignment of specific frequencies and orbit locations for other than domestic satellite operations, e.g. satellites designed for international service or feeder links in bands used by domestic satellites, may be done in a separate proceeding which includes additional such proposals that may be filed after November 7, 1983. However, satellite proposals filed after November 7, 1983 which conflict with satellite requests filed pursuant to the *1983 Processing Order, supra,* will have to be accommodated at orbit locations and/or in frequency bands other than those assigned to domestic satellites filed by November 7, 1983. Appendix B to the *1983 Processing Order, supra,* specifies the minimum information required for a domestic satellite space station application to be considered acceptable for filing in this proceeding.[6] Applications which are unacceptable for filing will be dismissed.[7] *See 1983 Processing Order, supra* at paragraph 5.

Exchange of Orbit Locations. Voluntary exchanges of orbital locations assigned by the *1983 Orbit Assignment Order, supra,* between grantees may be proposed at any time.[8] Requests for orbital locations identified as "unassigned" in the Appendix to the *1983 Orbit Assignment Order, supra,* will be treated as a new space station application in accordance with the *1983 Processing Order, supra.* Any other proposed changes in orbital location assignments must be filed by October 6, 1983 [9] in order to insure that they will be considered before processing begins of the new space station applications filed pursuant to the *1983 Processing Order, supra.*

For further information, please contact Robert Mazer or Cecily Holiday at (202) 634-1624.

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[1] *Memorandum Opinion and Order,* FCC 83-186 released August 12, 1983.

[2] *Memorandum Opinion and Order,* FCC 83-185 released August 12, 1983.

[3] Individual space station authorizations were granted in *Advanced Business Communications, Inc.,* FCC 83-187 released August 3, 1983; *American Telephone and Telegraph Company,* FCC 83-188 released August 3, 1983; *American Satellite Company,* FCC 83-189 released August 4, 1983; *Hughes Communications, Inc.,* FCC 83-190 released August 3, 1983; *Rainbow Satellite, Inc.,* FCC 83-191 released August 3, 1983; *RCA American Communications, Inc.,* FCC 83-192 released August 4, 1983; *Satellite Business Systems,* FCC 83-193 released August 4, 1983; *Southern Pacific Communications Company,* FCC 83-194 released August 4, 1983; *United States Satellite Systems, Inc.,* FCC 83-195 released August 4, 1983; and *Western Union Telegraph Company,* FCC 83-196 released August 4, 1983. Pursuant to Sections 1.106(f) and 1.4(b) of the Commission's Rules and Regulations, 47 CFR 1.106(f) and 1.4(b), a petition for reconsideration of the grant of any of these authorizations was due to be filed within thirty days of the date of the release of the text of the *Order and Authorization* involved.

[4] An application for modification of authorization will be required for any proposed changes to the specified technical parameters or the terms and conditions of the authorization, or for an extension of time to complete a particular activity. Authorizations may be corrected without the filing of an application, however, to reflect the specifics proposed in the application as it was before the Commission on April 26, 1983. *See also, Report and Order, supra* at paragraph 103.

[5] Pending domestic fixed satellite applications propose the use of the 3700-4200 MHz, 5925-6425 MHz, 11.7-12.2 GHz and 14.0-14.5 GHz frequency bands and orbital locations between about 60° and 150° West Longitude. *See also 1983 Orbit Assignment Order, supra* at notes 11 and 12; *Domestic Fixed Satellite Service—Orbit Deployment Plan,* 84 FCC 584, 597-600 (1981).

[6] Note, three items of information (labeled 9, 10 and 11) appear on page 3 of Appendix B to the *1983 Processing Order, supra.* These items are misplaced. Instead, they should be numbered as items 6, 7 and 8, respectively, under item D on page 2 of Appendix B.

[7] In order to allow efficient use of available staff resources to perform initial review and processing of new domestic satellite space station applications and to prepare public reference files, an application or amendment filed after the close of business on October 31, 1983 will not be routinely available for public inspection until all such applications and amendments filed on or before November 7, 1983 can be efficiently made available for inspection in the Public Reference Room of the Domestic Facilities Division, Room 331, 1200 19th Street, N.W., Washington, D.C.

[8] Such proposals will, however, be subject to a notice and comment procedure. *See Report and Order, supra* at note 100.

[9] An extension of the date indicated at paragraph 30 of the *1983 Orbit Assignment Order, supra,* for filing such proposals appears warranted in order to minimize disparate filing dates.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 83-25398 Filed 9-22-83; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 581

[Docket No. 73-19; Notice 32]

Bumper Standard; Interpretive Amendment

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Interpretive amendment.

SUMMARY: The Part 581 Bumper Standard specifies that certain equipment be removed from a vehicle before testing. This notice clarifies the wording of a May 20, 1982, amendment to make it clear that: (1) No change was intended in the requirement as it related to trailer hitches and license plate brackets, i.e., that all trailer hitches and license plate brackets are removed, whether or not they are optional equipment, and (2) all running lights and fog lamps which are optional equipment should be removed, whether or not they are mounted on the bumper face bar.

DATE: Effective date is September 23, 1983.

FOR FURTHER INFORMATION CONTACT: Nelson Gordy, Office of Market Incentives, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590; 202-426-1740.

SUPPLEMENTARY INFORMATION: Section 581.6(a)(5) of the Bumper Standard specifies that certain equipment be removed from a vehicle before testing. Prior to the most recent amendment, the section specified that trailer hitches and license plate brackets be removed from the vehicle. The standard was amended in a notice published in the **Federal Register** (47 FR 21820) on May 20, 1982, which, among other things, expanded the specified equipment that is removed to include headlamp washers and certain optional equipment, i.e., running lights, fog lamps and equipment mounted on the bumper face bar. The section was revised to read:

> Trailer hitches, license plate brackets, running lights, fog lamps, other optional equipment mounted on the bumper face bar and headlamp washers are removed from the vehicle.

The amended section might be read to be more restrictive than the former section as it relates to trailer hitches and license plate brackets, i.e., that only trailer hitches and license plate brackets which are optional equipment must be removed. This notice clarifies the wording of that amendment to make it clear that no change was intended in the requirement as to these types of equipment. Thus, this notice makes it clear that all trailer hitches and license brackets must be removed. The agency neither proposed nor intended any change in the requirement as it relates to those types of equipment.

Another possible question of interpretation under the amended section is whether all running lights and fog lamps which are optional equipment should be removed, or only those which are mounted on the bumper face bar. This notice clarifies the wording of the amendment to make it clear that running lights and fog lamps which are optional equipment should be removed, whether or not they are mounted on the bumper face bar.

This amendment is an interpretive amendment which does not change the substantive requirements of the Bumper Standard in any respect. Accordingly, it is found for good cause shown that notice and comment are unnecessary and that an immediate effective date is in the public interest.

The agency has considered the economic and other impacts of this amendment and determined that it is neither a major rule within the meaning of Executive Order 12291 nor a significant rule under the Department of Transportation's regulatory policies and procedures. Further, the agency concludes that the economic and other consequences of this amendment are so minimal as not to require preparation of a full regulatory evaluation. The impact is minimal because the amendment does not change the substantive requirements of the standard.

The agency has also reviewed the effects of this amendment for purposes of the National Environmental Policy Act. The agency has determined that the amendment will not have any significant impact on the human environment.

The Regulatory Flexibility Act does not apply to rules, such as this, which are issued without notice and comment. The agency notes, however, that since the amendment does not change the substantive requirements of the standard, it follows that the amendment will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 49 CFR Part 581

Motor vehicle safety, Motor vehicles.

PART 581—BUMPER STANDARD

In consideration of the foregoing, 49 CFR Part 581 is amended as follows:

Section 581.6(a)(5) is revised to read:

§ 581.6 Conditions.

(a) * * *

(5) Trailer hitches, license plate brackets, and headlamp washers are removed from the vehicle. Running lights, fog lamps, and equipment mounted on the bumper face bar are removed from the vehicle if they are optional equipment.

* * * * *

(Sec. 102, Pub. L. 92-513, 86 Stat. 947 (15 U.S.C. 1912); secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.50 and 501.7)

Issued on: September 19, 1983.

Diane K. Steed,

Deputy Administrator.

[FR Doc. 83-25994 Filed 9-22-83; 8:45 am]

BILLING CODE 4910-59-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1043

[Ex Parte No. MC-5 (Sub-1)]

Motor Carriers of Property Minimum Amounts of Bodily Injury and Property Damage Liability Insurance

AGENCY: Interstate Commerce Commission.

ACTION: Modification of final rules.

SUMMARY: The Commission adopted final rules in this proceeding to implement statutory requirements that we adopt minimum amounts of insurance at levels prescribed by the Secretary of Transportation for for-hire interstate motor carriers of property regulated by the Commission. In those rules, we also reconciled differences in the insurance programs of this Commission and the U.S. Department of Transportation (DOT). The final rules were published at 47 FR 55939 (December 14, 1982), to be effective February 14, 1983, and their effective date has since been postponed until October 3, 1983.

The Commission is now modifying the rules adopted to incorporate liability limits subsequently mandated by law and adopted by DOT and is including technical changes in the rules both to

further reconcile differences in the two agency programs and to ease the burden of making financial responsibility filings by the affected carriers.

When these modifications become effective, the final rules previously adopted, as modified, will replace the temporary insurance rules, published on July 27, 1981, and codified at 49 CFR 1043.2(c).

EFFECTIVE DATE: November 22, 1983.

FOR FURTHER INFORMATION CONTACT:
Alice K. Ramsay, (202) 275-0854

or

Delores Patterson, (202) 275-0898

SUPPLEMENTARY INFORMATION:

Background

A prior decision in this proceeding adopted final rules which brought the Commission's financial responsibility regulations into conformity with those of the Federal Highway Administration of DOT. The Surface Transportation Assistance Act of 1982 (STAA), Pub. L. 97-424, 96 Stat. 2097, modified the minimum levels of financial responsibility required for some of the affected motor carriers of property. Moreover, that Act gave the Secretary of Transportation further discretionary authority in implementing the financial responsibility provisions of the Motor Carrier Act of 1980 as to the minimum amounts of insurance that can be required of all affected carriers. Under authority of the STAA, DOT published an emergency regulation on February 7, 1983 (48 FR 5559), a technical correction to its final rules on March 3, 1983 (48 FR 9014), a notice of proposed rulemaking on April 11, 1983 (48 FR 15499), and interim final rules on June 28, 1983 (48 FR 29698). All affected carriers subject to the Commission's financial responsibility rules must meet the DOT requirements for minimum amounts of bodily injury and property damage liability insurance and those amounts are being required in this Commission's financial responsibility program because they are the minimum amounts that may be required under the provisions of 49 U.S.C. 10927.

Overview

In addition to dealing with changes in the minimum limits established by statute in the STAA and those established by exercise of the discretionary authority of the Secretary of Transportation, this decision deals with several problems that have become evident since the final rules were adopted. Most are susceptible to resolution by modification of portions of 49 CFR Part 1043, Specifically §§ 1043.2(b), 1043.6(a), and 1043.7(a).

Small Freight Vehicles

As previously published, the final rules established requirements for carriers operating freight vehicles of 10,000 pounds or more Gross Vehicle Weight Rating (GVWR) and different, lesser requirements for those operating freight vehicles under 10,000 pounds GVWR. This gave rise to the belief that, if a single carrier fleet included both, a separate set of Endorsement and Certificate of Insurance Forms is required for each. Such a duplicative requirement was not intended. Where there are both types of vehicles in a single carrier fleet, the documents required for the higher requirements are adequate to protect the public. Therefore, 49 CFR 1043.2(b)(1), which establishes the requirements for the small vehicles has been rewritten, not only to reflect the statutory change that effectively reduces this category to vehicles not transporting the hazardous commodities described in the STAA, but also to make it clear that this particular requirement is applicable to carrier fleets including only freight vehicles under 10,000 pounds GVWR.

There has been some concern that, when the Commission accepts an Insurance Certificate for filing, whether as part of an aggregation plan, or otherwise, it will not know by the filing itself whether it, or the group of filings, is sufficient to meet the minimum coverage requirements for the particular carrier. This problem was acknowledged in the prior decision, at 47 FR 55541, and the problem is no more severe whether it arises in connection with fleets made up of vehicles under 10,000 pounds GVWR or in connection with limits that depend on whether larger vehicles are actually operated to transport hazardous materials. It is the carrier's responsibility to obtain the required coverage and that of the Commission staff to monitor carrier operations to determine whether the appropriate endorsement has been obtained and the required evidence of security has been filed. Thus, this concern requires no modification of the rules beyond the clarification already discussed.

Cancellations

A similar concern has arisen as to the effective meaning of notices of cancellation, particularly when the cancellation of a portion (or layer) of aggregated coverage is signalled. By the filing itself the Commission will not know whether the transportation has ceased, the type of required coverage reduced, or the carrier no longer has adequate insurance to meet the requirements of the law. To attempt to impose a filing system that would eliminate those concerns would impose onerous and burdensome requirements on the carriers and their insurers and still would undoubtedly leave room for uncertainty in some instances. In the circumstances, again there appears to be no need for additional changes in the rules but a need for relatively simple basic filings, coupled with appropriate monitoring by the Commission staff.

Public Suggestions Regarding Forms

A number of members of the public have brought questions and suggested changes with respect to the Bond, Certificate of Insurance, and Cancellation Forms prescribed and their use to our attention during the pendancy of the postponement. Those submitted in writing are by The Travelers Companies, by the American Insurance Association, which endorsed the suggestions of the Travelers with minor modifications, and by the law firm of Day, Berry, and Howard, which correctly points out that the regulation describing the use of Form BMC 91X inadvertently made reference to an inapplicable regulation.

Generally, those suggestions by the insurance companies are directed to streamlining filing procedures and to reducing paper flow and filing expenses. Their objective is to achieve a single filing procedure with the following three stated advantages:

(1) Any BMC 91 certificate automatically represents at least the full security limits required to satisfy § 1043.2(b)(1) and relieves the Commission and insurers of any uncertainty regarding that transportation group.

(2) The same BMC 91 certificate will also allow one or more insurer to participate in the aggregation of limits under § 1043.2(b)(2).

(3) Such a system would address the stated concerns of the administration in reducing paperwork required by regulatory authorities and in effect reduce the "cost of doing business."

We endorse these objectives but, because of other pending changes in financial responsibility regulations both before this Commission and DOT, and of the need to adopt a system that will accommodate these changes, we are approaching this subject somewhat differently than suggested. We realize that our modifications will not meet the desire for a single certificate form, but believe that Form BMC 91 will come into disuse gradually, and that, as modified, BMC 91X will increasingly become the prevailing form whether it is used to reflect full, primary, or excess coverage.

The extension of the use of Form BMC 91 as an alternate for § 1043.2(b)(2) filings is solely for the convenience of those carriers and insurers who have adequate policy limits, are used to this form, and wish to continue to use it for convenience.

Under the modifications adopted here:

(1) Any Form BMC 91 Certificate of Insurance automatically represents the full security limits required while it remains in force to satisfy §§ 1043.2(b)(1) or 1043.2(b)(2) requirements with respect to the particular carrier on behalf of which it is filed.

(2) Any Form BMC 91X Certificate of Insurance will allow one or more insurer to insure, or participate in the aggregation of, limits under § 1043.2(b)(2) and, when additional aggregation is authorized, under § 1043.2(b)(1). The form will be modified slightly to so provide.

(3) The desired reduction in paperwork and cost of doing business will be achieved by these changes and further reduced by the format changes discussed below.

Form Format

The format of both Forms BMC 91 and BMC 91X will be modified and adopted without substantive change to allow for its completion by filling in blanks on one side of the form, with the printing of the form's full implication on the back. This is preferable to having the form's text and the information supplied by the insurer intermixed on both sides as required under the rules being modified. It should facilitate completion of the forms by the insurer whether by hand, typewriter, or word processor, simplify the recording of information by this Commission, and enable the suppliers and users of the forms to provide form sets for completing the required copies in a single operation.

Form Specifications

Following adoption of our final rules, the Commission supplied all insurance companies that make filings with the Commission specimen copies of Forms BMC 91, BMC 91X, and BMC 35, specifying that their colors must be respectively white, orange, and pink and that they must be 8 x 5 inches in size and printed on a good grade of paper at least as heavy as the specimen supplied. Unfortunately, each of the forms was printed on the grade of paper stock which was then available in that color and each was different from the others. Additionally, some of the specimen forms were printed on stock which was too heavy to provide the required multiple copies of that form conveniently and inexpensively or to readily fold three copies and place them in a standard size envelope. Moreover, the particular orange stock chosen is not generally available to the printing industry.

To lessen confusion, to reduce expenses, and to facilitate the early use of forms, we are discontinuing the practice of providing specimen of the forms which, in any event, must be supplied by the insurance or surety companies. Instead, we are specifying that all forms used in the Commission's financial responsibility and security programs must be printed on paper stock which, as a minimum, is 20 lb. bond or equivalent.

The newly revised Forms BMC 91 and BMC 91X prescribed in this proceeding are set forth in Appendix A. It should be noted that, while the text on the face of each of these two forms is different from that on the other, the text appearing on the back of both is identical. With one exception, all copies of these forms filed with the Commission must use the exact wording shown in Appendix A and follow the formats as closely as possible. Because of the proximity of the expiration date of OMB approval on these forms and the expense to insurers of printing too few forms or having obsolete stock on their hands so soon after printing, we are specifically authorizing the Forms BMC 91 and BMC 91X to be printed and used without showing an expiration date until they have been resubmitted to OMB and approved for a longer period.

There has been no change in any other forms prescribed in this proceeding from those previously published and, therefore, Appendix A is limited to these two forms. The required size for both forms continues to be 8 x 5 inches and they must be filed in triplicate with all three copies properly signed. The color for Form BMC 91 will continue to be "white" as it has been in the past. The required color for Form BMC 91X should be as close to "salmon" as possible, inasmuch as we understand that salmon is the color closest to orange generally available to printers in appropriate bond. Color coding of the forms continues to be important to facilitate their ready identification by both the Commission staff and the members of the public who use them. Appendix A will not be printed in the Code of Federal Regulations.

Environmental and Energy Considerations

This action does not significantly affect the quality of the human environment or the conservation of energy resources.

Final Regulatory Flexibility Analysis

When we published final rules in this proceeding, we included a final regulatory flexibility analysis (47 FR 55943) and concluded that the decision is fully in accord with the Regulatory Flexibility Act's objectives. The modifications represented in the revisions of the final rules which are adopted and published here do not change that conclusion. They simply bring the security limits requirements of our regulations into accord with the requirements that the affected carriers must already meet under the most current requirements of DOT and clarify the requirements concerning the use of bonds, certificates of insurance, other Commission and DOT forms, and the procedures involved. All such revisions have been made to benefit the substantial number of small entities that will be affected by these financial responsibility requirements and there are no significant alternatives which would accomplish the objectives of this proceeding and the statutory mandate of 49 U.S.C. 10927, requiring the filing of evidence of insurance or surety bonds with this Commission. The previously published final rules, with the modifications made here, will become effective 60 days after publication in the **Federal Register.**

Copies of this notice of final rules are available to the public and may be obtained from TS Infosystems, Interstate Commerce Commission, Room 2227, Washington, D.C. 20423. A copy of this notice of final rules will be served on the Chief Counsel for Advocacy of the Small Business Administration, the Director of the Office of Management and Budget, and the Federal Highway Administrator of the Department of Transportation.

List of Subjects for 49 CFR Part 1043

Insurance, Motor carriers, Surety bonds.

Final Rules

Part 1043, Subtitle B, Chapter X of Title 49 of the Code of Federal Regulation is amended as follows:

PART 1043—[AMENDED]

1. Section 1043.2(b) is revised to read as follows:

§ 1043.2 Insurance, minimum amounts.

* * * * *

(b)(1) Motor carriers subject to § 1043.1(a)(1) are required to have security for the required minimum limits as follows:

Kind of equipment	Limit for bodily injuries to or death of one person	Limit for bodily injuries to or death of all persons injured or killed in any one accident (subject to a maximum of $100,000 for bodily injuries to or death of one person	Limit for loss or damage in any one accident to property of others (excluding cargo)
Carrier operates only freight vehicles under 10,000 Pounds GVWR and transports only commodities not subject to § 1043.2(b)(2)(d)	$100,000	$300,000	$50,000
Passenger equipment* (seating capacity): 12 passengers or less	100,000	300,000	50,000
More than 12 passengers	100,000	500,000	50,000

*NOTE.—Under Section 18(a) of the Bus Regulatory Reform Act of 1982, Public Law 97-261, passenger vehicles are made subject to higher levels of financial responsibility under regulations to be established by the Secretary of Transportation. They will be separated into two categories: those with a seating capacity of 16 passengers or more and those with a seating capacity of 15 or less. The new limits will be effective on November 19, 1983, and these changes as well as our pending proposal to allow aggregation and single limits for such carriers will be reflected in other rulemakings. See also NOTE for § 1043.6.

(2) Motor carriers subject to § 1043.1(a)(2) are required to have security for the required minimum limits as follows:

Kind of equipment	Commodity transported	July 1, 1983*	July 1, 1984*
(a) Freight Vehicles of 10,000 Pounds or More GVWR.	Property (non-hazardous)	$500,000	$750,000
(b) Freight Vehicles of 10,000 Pounds or More GVWR.	Hazardous substances, as defined in 49 CFR 171.8, transported in cargo tanks, portable tanks, or hopper-type vehicles with capacities in excess of 3,500 water gallons, or in bulk Class A or B explosives, poison gas (Poison A) liquefied compressed gas or compressed gas, or highway route controlled quantity radioactive materials as defined in 49 CFR 173.455.	1,000,000	5,000,000
(c) Freight Vehicles of 10,000 Pounds or More GVWR.	Oil listed in 49 CFR 172.101; hazardous waste, hazardous materials and hazardous substances defined in 49 CFR 171.8 and listed in 49 CFR 172.101, but not mentioned in (b) above or (d) below.	500,000	1,000,000
(d) Freight Vehicles Under 10,000 Pounds GVWR.	Any quantity of Class A or B explosives; any quantity of poison gas (Poison A); or highway route controlled quantity radioactive materials as defined in 49 CFR 173.455.	1,000,000	5,000,000

*Note: The effective date of the current required minimum limit in 49 CFR 1043.2(b)(2)(d) was January 6, 1983, in accordance with the requirements of Pub. L. 97-424, 96 Stat. 2097

§ 1043.2 [Amended]

2. Section 1043.2(c) is removed.

3. Section 1043.6(a) is revised to read as follows:

§ 1043.6 Bonds and certificate of insurance.

(a) *Public liability.* Each Form BMC 82 surety bond filed with the Commission must be for the full limits of liability required under § 1043.2(b)(1). Form MCS-82 surety bonds and other forms of similar import prescribed by the Department of Transportation, may be aggregated to comply with the minimum security limits required under § 1043.2(b)(1) or § 1043.2(b)(2). Each Form BMC 91 certificate of insurance filed with the Commission will always represent the full security minimum limits required for the particular carrier, while it remains in force, under §§ 1043.2(b)(1) or 1043.2(b)(2), whichever is applicable. Any previously executed Form BMC 91 filed before the current revision which is left on file with the Commission after the effective date of this regulation, and not canceled within 30 days of that date will be deemed to certify the same coverage limits as would the filing of a revised Form BMC 91. Each Form BMC 91X certificate of insurance filed with the Commission will represent the full security limits under §§ 1043.2(b)(1) or 1043.2(b)(2) or the specific security limits of coverage as indicated on the face of the form. If the filing reflects aggregation, the certificate must show clearly whether the insurance is primary or, if excess coverage, the amount of underlying coverage as well as amount of the maximum limits of coverage.*

* * * * *

4. Section 1043.7(a) is revised to read as follows:

§ 1043.7 Forms and procedures.

(a) *Forms for endorsements, certificates of insurance and others.*—(1) *In form prescribed.* Endorsements for policies of insurance and surety bonds, certificates of insurance, applications to qualify as a self-insurer, or for approval of other securities or agreements, and notices of cancellation must be in the form prescribed and approved by the Commission.

(2) *Aggregation of Insurance.** When insurance is provided by more than one insurer in order to aggregate security limits for carriers operating only freight vehicles under 10,000 pounds Gross Vehicle Weight Rating, as defined in § 1043.2(b)(1), a separate *Form BMC 90,* with the specific amounts of underlying and limits of coverage shown thereon or appended thereto, and *Form BMC 91X* certificate is required of each insurer.

For aggregation of insurance for all other carriers to cover security limits under § 1043.2 (b)(1) or (b)(2), a separate Department of Transportation prescribed form endorsement and *Form BMC 91X* certificate is required of each insurer.

(3) *Use of Certificates and Endorsements in BMC Series.—Form BMC 91* certificates of insurance will be filed with the Commission for the full security limits under § 1043.2 (b)(1) or (b)(2).

Form BMC 91X certificate of insurance will be filed to represent full coverage or any level of aggregation for the security limits under § 1043.2 (b)(1) or (b)(2).

Form BMC 90 endorsement will be used with each filing of *Form BMC 91* or *Form 91X* certificate with the Commission which certifies to coverage not governed by the requirements of the Department of Transportation.

(4) *Use of Endorsements in MCS Series.* When Security limits certified under § 1043.2 (b)(1) or (b)(2) involves coverage also required by the Department of Transportation a *Form MCS endorsement* prescribed by the Department of Transportation such as, and including, the *Form MCS 90* endorsement is required.

(5) *Surety bonds.* When surety bonds are used rather than certificates of insurance, *Form BMC 82* is required for the security limits under § 1043.2(b)(1) not subject to regulation by the Department of Transportation, and *Form MCS 82,* or any form of similar import prescribed by the Department of Transportation, is used for the security limits subject also to minimum coverage

*Note.—Aggregation to meet the requirement of § 1043.2(b)(1) will not be allowed until the completion of our rulemaking in Ex Parte No. MC-5 (Sub-No. 2), *Motor Carrier and Freight Forwarder Insurance Procedures and Minimum Amounts of Liability.*

*Note.—See NOTE for Rule 1043.6. Also, it should be noted that DOT is considering prescribing adaptations of the Form MCS 90 endorsement and the Form MCS 82 surety bond for use by passenger carriers and Rules §§ 1043.6 and 1043.7 have been written sufficiently broad to provide for this contingency when new forms are prescribed by that Agency.

requirements of the Department of Transportation.

(6) *Surety bonds and certificates in effect continuously.*—Surety bonds and certificates of insurance shall specify that coverage thereunder will remain in effect continuously until terminated as herein provided, except (1) when filed expressly to fill prior gaps or lapses in coverage or to cover grants of emergency temporary authority of unusually short duration and the filing clearly so indicates, or (2) in special or unusual circumstances, when special permission is obtained for filing certificates of insurance or surety bonds on terms meeting other particular needs of the situation.

* * * * *

Authority, 49 U.S.C. 10321, 10927, and 5 U.S.C. 553.

Decided: September 16, 1983.

Agatha L. Mergenovich,

Secretary.

Appendix A—Prescribed Text and Format for Forms BMC 91 and BMC 91X

Note.—Appendix A will not appear in the Code of Federal Regulations.

Motor Carrier Automobile Injury Liability and Property Damage Liability Certificate of Insurance filed (in triplicate) with: Interstate Commerce Commission, Insurance Branch, Washington, D.C. 20423

I.C.C. Docket No. MC ——— (or FF ———)

Approved by OMB 3120–0096 through February 29, 1984

Date received ———

This is to certify, that the ———

(Name of Company)

(hereinafter called Company) of ———

(Home Office Address of Company)

has issued to ———

(Name of Motor Carrier)

of ———

(Address of Motor Carrier)

insurance under terms described on the back of this form to provide coverage for the Full Security Limits required under Section 1043.2(b)(1) or Section 1043.2(b)(2) of Title 49 of the Code of Federal Regulations.

Effective from ——— (12:01 a.m. standard time at the address of the Insured as stated in said policy or policies) and continuing until cancelled as provided in the rules and regulations under Section 10927 of Title 49 of the United States Code.

Signed at ———

Street ———

City ———

State ———

Date ———

(Issuing Office—Full Name of Agency or Branch)

(Signature of Authorized Company Representative)

Insurance Company Policy No. ———

Form BMC 91 (Rev. 1982)

Motor Carrier Automobile Injury Liability and Property Damage Liability Certificate of Insurance filed (in Triplicate) with: Interstate Commerce Commission, Insurance Branch, Washington, D.C. 20423

I.C.C. Docket No. MC ——— (Or FF ———)

Approved by OBM, 3120–0103 through 12/31/84

Date received ———

This is to certify, that the ———

(Name of Company)

(hereinafter called Company) of ———

(Home Office Address of Company)

has issued to ———

(Name of Motor Carrier)

of ———

(Address of Motor Carrier)

insurance under terms described on the back of this form, to provide coverage, as follows:

Check as Applicable:

Full Security Limits Required in Title 49 of the Code of Federal Regulations:

☐ Under Section 1043.2(b)(1)

☐ Under Section 1043.2(b)(2)

Security limits required under Section 1043.2(b)(1) or 1043.2(b)(2) of the same Title as follows:

☐ This insurance is primary and the company shall not be liable for amounts in excess of $——— for each accident.

☐ This insurance is excess and the company shall not be liable for amounts in excess of $——— for each accident in excess of the underlying limit of $——— for each accident.

Effective from ——— (12:01 a.m. standard time at the address of the Insured as stated in said policy or policies) and continuing until cancelled as provided in the rules and regulations under Section 10927 of Title 49 of the United States Code.

Signed at ———

Street ———

City ———

State ———

Date ———

(Issuing Office—Full Name of Agency or Branch) ———

(Signature of Authorized Company Representative) ———

Insurance Company Policy No. ———

Form BMC 91X (Rev. 1982)

Back of Both Form BMC 91 and Form BMC 91X

The receipt of this certificate by the Commission certifies that a policy or policies of Public Liability (or Automobile Bodily Injury and Property Damage Liability) insurance has been issued by the company identified on the face of this form, that the company is qualified to make this filing under § 1043.8 or § 1084.6 of Title 49 of the Code of Federal Regulations, and that by the attachment of endorsement BMC 90, prescribed by the Interstate Commerce Commission, and/or an endorsement prescribed by the U.S. Department of Transportation (its MCS 90 or a form of similar import), is amended to provide the coverage or security for the protection of the public required under § 1043.2 of Title 49 of the Code of Federal Regulations. The amendment governs the operation, maintenance, or use of motor vehicles under certificate of public convenience and necessity or permit issued to the Insured by the Commission or otherwise in transportation subject to Subchapter II of Chapter 105 of Title 49, United States Code, and the pertinent rules and regulations of the Commission, regardless of whether such motor vehicles are specifically described in the policy or policies or not. The liability of the Company extends to all losses, damages, injuries, or deaths occurring within the authority granted to the Insured by this Commission or elsewhere.

The endorsement(s) described may not be cancelled without notification to the Commission. Such cancellation may be affected by the Company or the Insured giving thirty (30) days' notice in writing to the Interstate Commerce Commission at its office in Washington, D.C., said thirty (30) days' notice to commence to run from the date notice is actually received at the Office of the Commission.

Falsification of this document can result in criminal penalties prescribed under 18 U.S.C. 1001.

[FR Doc. 83-25912 Filed 9-22-83; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 611, 672, and 675

[Docket No. 30919-191]

Foreign Fishing, Groundfish of the Gulf of Alaska, and Groundfish of the Bering Sea and Aleutian Islands Area

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Rule-related notice; inseason adjustments.

SUMMARY: NOAA announces the apportionment of amounts of Alaska groundfish to the total allowable level of foreign fishing (TALFF) and the domestic annual harvest (DAH), under provisions of the fishery management plans (FMPs) for Groundfish of the Bering Sea and Aleutian Islands Area and for the Groundfish of the Gulf of Alaska. Groundfish are apportioned according to the regulations implementing those FMPs. The intent of this action is to assure optimum use of these groundfish by allowing the foreign