the product transported. The VOLUME Indicator is selected from Table 5 as H, M, or L based on the nominal diameter of the pipeline.**

TABLE 4.—PRODUCT INDICATORS

Indicator	Considerations	Product examples
H	Highly volatile and flammable	Propane, butane, NGL, ammonia.
	Highly toxic	Benzene, high H_2S content crude oils.
M	Flammable—flashpoint<100F	Gasoline, JP4, low flashpoint crude oils.
L	Non-flammable—flashpoint 100+F	Diesel, fuel, oil, kerosene, JP5, most crude oils.
	Highly volatile and non-flammable/non-toxic	CO_2

Considerations: The degree of acute and chronic toxicity to humans, wildlife, and aquatic life; reactivity; and, volatility, flammability and water solubility determine the Product Indicator. CERCLA RQ (Reportable Quantity) values can be used as an indication of chronic toxicity. NPA health factors can be used for rating acute hazards.

TABLE 5.—VOLUME INDICATORS

Indicator	Line size
H	≥18″
M	10″ – 16″ nominal diameters.
L	≤8″ nominal diameter.

API'S Risk-Based Alternative to The Hydrotest Rule

***Comment:* Table 3 is used to establish the LOCATION indicator used in Table 2. Based on the population (and possibly, in the future, environmental) characteristics associated with a pipeline facility's location, a LOCATION Indicator of H, M or L is selected. *Please note that the identification of those areas which are unusually sensitive to environmental damage (which will affect these LOCATION Indicators) is currently being addressed by OPS. These deliberations will determine the final characterizations of Environment LOCATION Indicators.*

TABLE 3.—LOCATION INDICATORS—PIPELINE SEGMENTS

Indicator	Population[1]	Environment
H	Non-rural areas	Currently, only population (rural or non-rural) will determine the LOCATION indicator. Once a definition of "unusually sensitive areas" has been established, the higher of the Population or Environment Indicator will determine the overall LOCATION Indicator.
M		See above.
L	Rural areas	See above.

[1]Pipeline segments transporting highly volatile or toxic products should consider the effects of potential vapor migration.

[FR Doc. 96–5489 Filed 3–7–96; 8:45 am]

BILLING CODE 4910–60–M

Surface Transportation Board

49 CFR Part 1312

[Ex Parte No. MC–211]

Revisions of Tariff Regulations—Indexes

AGENCY: Surface Transportation Board (Board).[1]

ACTION: Withdrawal of Proposed Rule.

SUMMARY: The Board is withdrawing a proposed rule regarding the indexing of tariffs because intervening legislation has made the rule unnecessary.

DATES: The withdrawal is made on March 8, 1996.

FOR FURTHER INFORMATION CONTACT: Michael L. Martin, (202) 927–6033; [TDD for the hearing impaired: (202) 927–5721.]

SUPPLEMENTARY INFORMATION: In a Notice of Proposed Rulemaking published at 58 FR 42277 (August 9, 1993), the ICC proposed a rule to require tariffs to contain indexes, unless the information in the tariff is arranged in a pattern readily discernible to tariff users. The proceeding was initiated in part in response to a directive contained in a Senate report,[2] and in part in recognition of the burdens associated with using tariffs that could contain well over 100,000 unindexed pages.

Most, if not all, of the large, unindexed tariffs were discount tariffs that were filed by individual motor common carriers. However, the Trucking Industry Regulatory Reform

[1] The ICC Termination Act of 1995, Pub. L. No. 104–88, 109 Stat. 803 (ICCTA), which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission (ICC) and transferred certain functions and proceedings to the Board. Section 204(b)(1) of the Act provides, in general, that proceedings pending before the ICC on the effective date of that legislation shall be decided under the law in effect prior to January 1, 1996, insofar as they involve functions retained by the Act. Although the motor carrier tariff filing provisions were sharply curtailed in the ICCTA and in prior legislation, they were not entirely repealed. Therefore, this pending proceeding is not being terminated pursuant to the provisions of section 204(b)(3) of the ICCTA, which calls for termination of cases that involve functions eliminated by the ICCTA. Rather, as a proceeding that was pending with the ICC prior to January 1, 1996, it is governed by the law in effect prior to January 1, 1996.

[2] Senate Report No. 102–351, dated July 30, 1992, accompanying the U.S. Department of Transportation and Related Agencies Appropriations Bill, 1993.

Act of 1994[3] repealed the tariff filing requirement for individually (as distinguished from collectively) set rates of motor common carriers of property (other than household goods and carriers involved with water carriers in the noncontiguous domestic trade), and voided such tariffs. Because the tariffs that precipitated the proposal for indexing are no longer filed, we are terminating this proceeding.

Authority: 49 U.S.C. 10321.

Decided: February 23, 1996.

By the Board, Chairman Morgan, Vice Chairman Simmons, and Commissioner Owen.

Vernon A. Williams,

Secretary.

[FR Doc. 96–5513 Filed 3–7–96; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 260

[Docket No. 950915231–6051–02; I.D. 120195B]

RIN 0648–AI45

Privatization of In-plant Seafood Inspections and Related Services

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

ACTION: Notice of availability; public meetings.

SUMMARY: On September 22, 1995, NOAA published a notice of inquiry in the Federal Register regarding in-plant seafood inspections and related services under the Agricultural Marketing Act of 1946 (the Act). It outlined an action NOAA was considering to provide direct inspection services by a private, for-profit entity, with continued NOAA oversight, and invited written recommendations and comments. The document also noted that NOAA had contracted for a study to determine the feasibility of implementing the plan. This document provides a summary of the comments and recommendations, the results of the study, describes NOAA's future actions, and announces meetings.

DATES: See **SUPPLEMENTARY INFORMATION** for meeting dates.

ADDRESSES: For copies of the feasibility study, contact the Director, Office of Industry Services, 1315 East-West Highway, Room 12553, Silver Spring, MD 20910. See **SUPPLEMENTARY INFORMATION** for meeting locations.

FOR FURTHER INFORMATION CONTACT: Sam McKeen, Director, Office of Industry Services at (301) 713–2355.

SUPPLEMENTARY INFORMATION: On September 22, 1995, NOAA published a notice of inquiry in the Federal Register (60 FR 49242), regarding the way it delivers in-plant seafood inspections and related services under the Act. The inquiry outlined an option NOAA was considering and invited written comments and suggestions. Under that option, direct inspection services would be provided by private parties with continued NOAA oversight. The inquiry recommended that comments take into account the following criteria that would fundamentally affect the viability of a privatized inspection program: (1) fair treatment of Government inspectors currently providing the services; (2) minimum modification of relationships with customers subscribing to the current program, and assurance that the internal operations of these customers need not be changed to accommodate a privatized system; (3) continued recognition by foreign governments of official indicia as indicating safety, wholesomeness and acceptability of products to which the indicia are affixed or to which they relate; (4) acceptance of the integrity of the privatized inspection program by harvesters, processors, wholesalers, retailers and consumers; and (5) likelihood of the continued economic viability of the private entity (or entities) providing the services into the indefinite future.

The approach that NOAA described in some detail involved the establishment of a private, employee-owned Corporation (the Corporation) that would acquire the voluntary seafood inspection program (the Program) and operate it subject to the oversight of NOAA. NOAA employees could become employees of the Corporation if they so elected, and would acquire an ownership interest therein by means of an Employee Stock Ownership Plan (ESOP). The Corporation would not necessarily be the only authorized entity to provide privatized inspection services. Other entities could apply to the Secretary of Commerce for authorization, and if they met applicable requirements (e.g., number of certified inspectors, percent of income from one source), they would also be authorized to conduct the services.

The inquiry also mentioned NOAA's plan to contract for a study to determine the feasibility of establishing an ESOP. It stated that if the study, discussions with affected or interested persons, or comments resulting from the inquiry indicate that the five criteria essential for the success of a privatized system are not likely to be met by the preferred option, NOAA will pursue other options for reinventing the way it delivers the service to the public.

Under NOAA Administrative Order 205–11, 7.01, dated December 17, 1990, the Under Secretary for Oceans and Atmosphere has delegated authority to sign material for publication in the Federal Register to the Assistant Administrator for Fisheries, NOAA.

This document has been determined to be not significant for purposes of E.O. 12866.

Comments

The inquiry generated 88 responses during the formal comment period, most of which addressed the general concept of privatization. The responses included comments from seafood processors, seafood trade organizations, food marketing organizations, consumer advocacy groups, and interested agencies of the Federal Government. Responders categorized themselves as follows:

- Seafood processors/wholesalers/distributors - 32
- Employees - 29
- State and Federal Government agencies - 7
- Seafood retailers - 6
- Trade associations - 4
- Consumer groups - 2
- Members of congress - 2
- Private consultants - 2
- Private citizens - 2

A total of 86 comments opposed privatization (whether by ESOP or other, related means). Several responders who are current participants in the program stated that if the program were privatized, they would drop out of the program and hire their own inspectors. Comments that specifically addressed the ESOP proposal opposed it. Of the comments opposing transfer of the inspection function to the private sector, 59 did not discuss other options that might be preferable to the current situation. A further 13 of the negative comments recommended transferring the program to the U.S. Department of Agriculture or the U.S. Food and Drug Administration. Discussions with those agencies regarding transfer of the program were conducted prior to publication of the notice of inquiry in the Federal Register. Neither agency was interested in taking over the

[3] Pub. L. 103–311, 108 Stat. 1683, enacted August 26, 1994.