

handouts and refreshments for the 2-day conference.

Further information concerning the conference may be obtained from the Federal Aviation Administration, Systems Research and Development Service, Executive Staff, ARD-10, Washington, D.C. 20591, telephone 202-426-3548.

A. P. Albrecht,

Associate Administrator for Engineering and Development.

[FR Doc. 82-218 Filed 1-6-82; 8:45 am]

BILLING CODE 4910-13-M

[Summary Notice No. PE-81-33-]

Petitions For Exemption; Summary of Petitions Received and Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for

exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I) and of dispositions of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and must be received on or before January 27, 1982.

ADDRESS: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No. —, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION: The petition, any comments received and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 916, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on December 29, 1981.

John H. Cassady,

Deputy Assistant Chief Counsel, Regulations and Enforcement Division.

PETITIONS FOR EXEMPTION

Docket No.	Petitioner	Regulations affected	Description of relief sought
22472	Jerry T. Dennis	14 CFR § 61.161(b)	To permit petitioner to obtain an airline transport pilot certificate with a rotorcraft rating not limited to visual flight rules even though he does not have at least 1,200 hours of flight time as a pilot within the last 8 years.
22461	Cessna Aircraft Co.	14 CFR §§ 45.25(b) and 45.29(b)	To allow the use of 12-inch registration markings on the fuselage side that extend beyond the stabilizer leading edge and also allow 10-inch markings on the engine nacelles on Cessna Models 500, 550, 501, and 551 airplanes.
19441	Pratt & Whitney Aircraft Group	14 CFR §§ 33.7(c)(16) and (17)	To permit type certification of the Pratt & Whitney Model 2000 engine without establishing operating limitations regarding rotor windmilling rotational r.p.m. and time for first overhaul.
22469	Parks College of Saint Louis University	14 CFR Part 141, Appendices A, C, D, F	To permit petitioner to train certain of its students to a performance standard without meeting the prescribed minimum flight-time requirements.
20314	Flight Training Devices (FTD)	14 CFR §§ 61.63(d)(2) and 61.157(d)(1)	To permit petitioner's trainees to complete a practical test, for the issuance of a type rating to be added to any grade of pilot certificate that includes the items and procedures for testing, in an airplane simulator although FTD does not have an operating certificate under Part 121.
22523	Mobil Oil Exploration & Producing Southeast	14 CFR § 91.23(a)(3)	To permit petitioner to have a minimum of 30-minute fuel reserve for its helicopter operations rather than the required 45-minute reserve.
22473	Henson Aviation, Inc. and Ransome Airlines, Inc.	14 CFR §§ 93.123, 93.125 and 93.129	To permit the petitioners to operate area navigation system-equipped DeHavilland DHC-7 aircraft in RNAV and MLS operations in test proving flights at Washington National Airport outside of the FAR reservation restrictions.
19165	Executive Jet Aviation, Inc.	14 CFR § 135.89(b)(3)	Extension of Exemption No. 2801A which permits petitioner to operate its Learjet aircraft up to and including FL 410 without requiring at least one pilot to wear and use an oxygen mask at all times above FL 350. <i>Partial Grant Dec. 10, 1981.</i>
22100	Britt Airways, Inc.	14 CFR § 91.73(a)	To permit petitioner to operate its aircraft, in the event of failure of the position light system, with the strobe light system until arrival at a maintenance base. <i>Denied Dec. 11, 1981.</i>
19174	Boeing Commercial Airplane Company	14 CFR § 91.32(b)(1)(ii)	Extension of Exemption 2796 which permits operation of petitioner's B-747 aircraft up to and including FL 451 without requiring one pilot to wear and use an oxygen mask at all times above FL 410. <i>Granted Dec. 15, 1981.</i>
21448	U.S. Jet Aviation, Inc.	14 CFR § 135.89(b)(3)	To amend Exemption 3299 to add a Falcon-10 aircraft to the exemption. The present exemption permits petitioner to operate its Learjet aircraft to FL 410 without requiring at least one pilot to wear and use an oxygen mask at all times when operating above FL 350. <i>Partial Grant Dec. 16, 1981.</i>

DISPOSITIONS OF PETITIONS FOR EXEMPTION

Docket No.	Petitioner	Regulations affected	Description of relief sought disposition
22193	North Dakota State Aeronautics Commission	14 CFR § 61.109(b)(2) and Part 141, Appendix A, Paragraph 4(b)(1).	To permit petitioner and any other fixed-base aviation operator offering student pilot flight training in North Dakota to use eight all-weather airports, in North Dakota during winter months, for the 10-hour cross-country solo requirement. The distances between airports, in some instances, would be less than 100 nautical miles, but substantially greater than 50 nautical miles separation. <i>Partial Grant Dec. 16, 1981.</i>
22278	Combs Airways, Inc. d.b.a. Combs Freightair	14 CFR § 121.61(c)(1)	To allow petitioner to employ Mr. Gary H. Smith as its Director of Maintenance even though he does not meet the requirement of 5 years of experience in the maintenance of large aircraft. He has been employed in the maintenance of large aircraft since March 1979. <i>Granted Dec. 21, 1981.</i>
15585	Cathay Pacific Airways Limited	14 CFR portions of Parts 21, 61 and 91	To permit petitioner to continue to operate three U.S.-registered L-1011 aircraft leased from Eastern Air Lines, Inc., and to use the FAA-approved master minimum equipment list. <i>Granted Dec. 18, 1981.</i>

[FR Doc. 82-128 Filed 1-6-82; 8:45 am]

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Maritime Administration

[Docket No. S-707]

**American President Lines, Ltd.,
Application for Amendment of
Contractual Service Descriptions To
Allow Loading U.S. Cargo at the
Persian Gulf-Gulf of Oman in Line A
Extension Service and To Authorize
Vessels Operating in Line B Service To
Carry Cargo Between Washington-
Oregon and Guam; Show Cause Notice**

Notice is hereby given that American President Lines, Ltd. has filed an application dated April 7, 1981, as amended by letter dated December 23, 1981, to amend its present Operating-Differential Subsidy Agreement, Contract MA/MSB-417, so as to (1) eliminate the bar to loading U.S. cargo at the Persian Gulf-Gulf of Oman in Line A Extension service and (2) authorize vessels operating in Line B service to carry cargo between Washington-Oregon and Guam.

APL's Line A Extension service description requires a minimum of 18 and a maximum of 28 Line A sailings (California to Japan, Hong Kong, Philippines, Taiwan, Korea, Vietnam, Cambodia, Thailand) to serve Indonesia, Malaysia or Singapore with privilege ports in the Bay of Bengal area, west coast of India, Pakistan and the Persian Gulf-Gulf of Oman (not to load U.S. cargo at the Persian Gulf-Gulf of Oman). APL requests the deletion of the last parenthetical phrase to allow loading U.S. cargo at the Persian Gulf-Gulf of Oman.

APL's Line B service description requires a minimum of 54 and a maximum of 80 sailings between a port or ports in Washington-Oregon and Japan, Korea, Taiwan, Hong Kong, Philippines, Vietnam, Cambodia, or Thailand with privileged ports in China, U.S.S.R. in Asia, Brunei, Alaska and

British Columbia (both only for overseas carriage). APL proposes to add to the list of privilege service, the following:

"Guam, to provide service between Washington-Oregon and Guam, only." The application does not include service between Guam and foreign ports on the Operator's Line B service.

Interested parties may inspect this application in the Office of the Secretary, Maritime Subsidy Board, Room 7300-B, Department of Transportation, 400 Seventh Street SW., Washington, D.C. 20590.

Information available to the Maritime Administration indicates that no U.S.-flag operator (1) offers service between California and the Persian Gulf-Gulf of Oman or (2) offers refrigerated service between Washington-Oregon and Guam, the principal liftings of the applicant being expected to be refrigerated cargoes.

Interested parties are hereby given an opportunity to show cause why the Maritime Subsidy Board should not find that section 605(c) of the Merchant Marine Act, 1936, as amended (Act) is not a bar to the proposed amendment of the contractual services as described above.

Therefore, any person, firm, or corporation having any interest in such application and desiring to offer views and comments thereon for consideration by the Maritime Subsidy Board should submit them in writing in triplicate, to the Secretary, Maritime Subsidy Board, Washington, D.C. 20590 by the close of business on January 14, 1982.

All allegations of factual issues which a party wishes the Board to consider shall include: (1) a clear and concise statement of the issues raised; and (2) the grounds upon which such allegations rest in such detail as to permit the Board to determine the exact nature of the allegations.

In responding to this Notice, intervenors should provide answers to the following specific questions:

1. How long has service been offered?
2. What vessels (barges) were/are employed on the service (and what are their characteristics)?
3. How many voyages were made on the service during 1979, 1980, and 1981 by the vessels cited in answer to question 2?
4. How much cargo space (breakbulk, container TEU's, reefer) was made available?
5. How much cargo was carried (breakbulk, container TEU's, reefer)?
6. How much cargo was commercial and how much military or premium rated preference?
7. What are the proposed cargo carryings for the future?
8. Is the service scheduled or by inducement?
9. If the service is scheduled, what is the frequency of service?
10. Is the service wholly or partly a transshipment arrangement?
11. How much additional time do transshipment arrangements add to the service?
12. If APL is approved for service, to what extent do you expect it will diminish your projected carryings?

The Board will consider the submissions of all interested parties and will determine the disposition to be made of the matters hereby noticed, including, at the discretion of the Board, the ordering of an evidentiary hearing or other administrative process.

(Catalog of Federal Domestic Assistance Program No. 11.504, Operating-Differential Subsidy (ODS))

By Order of the Maritime Administrator.

Date: December 31, 1981.

Robert J. Patton, Jr.,
Secretary.

[FR Doc. 82-321 Filed 1-6-82; 8:45 am]

BILLING CODE 4910-81-M

National Highway Traffic Safety Administration

Federal Motor Vehicle Safety Standards; Interpretation Regarding Preemption and Pre-Sale State Enforcement of Safety Standards

This notice responds to a request by the Truck Safety Equipment Institute (TSEI) and the Safety Helmet Council of America (SHCA) for the issuance of an opinion on the issue of whether State safety approval programs are preempted by operation of the National Traffic and Motor Vehicle Safety Act and the agency's issuance of Federal Motor Vehicle Safety Standards (FMVSS) to the extent that those programs seek to enforce safety standards identical to the FMVSS against new motor vehicles or motor vehicle equipment, i.e., ones that have not yet been sold to consumers.

Of immediate and particular concern to these organizations are the approval requirements of the Louisiana motorcycle rider helmet use statute which becomes effective January 1, 1982. After that date, a helmet may not be manufactured, sold, or distributed within Louisiana unless the helmet is of a type and specification approved by the State Department of Public Safety. This requirement will apply to all helmets regardless of whether they are certified as complying with FMVSS 218, Motorcycle helmets. Under the regulations implementing the Louisiana statute, approval for helmets must first be obtained from the American Association of Motor Vehicle Administrators (AAMVA). To obtain that organization's approval, manufacturers must pay an approval fee and submit a test report from an AAMVA-approved laboratory. If the AAMVA so directs, the manufacturer must also bear the cost of providing product samples or test photographs.

It is the opinion of the agency that the States are preempted from engaging in activities involving the pre-sale enforcement of State standards which are identical to the FMVSS where such activities involve procedures or impose burdens which differ in any significant respect from those of the Federal regulatory scheme under the Act. The agency believes that the Act and its history strongly and clearly imply that Congress intended this agency to play an exclusive role in ensuring compliance

of new motor vehicles and equipment with the FMVSS. Congress intended further that States having any standards identical to the FMVSS would enforce them over the lives of motor vehicles and equipment after their first sale to consumers.

This notice clarifies and expands the position previously taken by the agency regarding preemption of pre-sale enforcement of State standards identical to the FMVSS. In a notice published on June 2, 1971, the agency stated that:

*** a State may not regulate motor vehicles or motor vehicle equipment, with respect to aspects of performance covered by Federal standards, by requiring prior State approval before sale or otherwise restricting the manufacture, sale, or movement within the State of products that conform to the standards. (36 FR 10745) ***

At that time, the agency suggested that it would be permissible for the States to enforce their standards prior to sale as long as the manufacturers were free to market their products while the State approval procedures were being followed.

Subsequently, the permissibility of pre-sale enforcement of State standards was considered in two cases titled *Truck Safety Equipment Institute v. Kane*, (419 F. Supp. 688, (M.D. Pa. 1975); vacated, 558 F.2d 1028 (3rd Cir. 1977); on remand, 466 F. Supp. 1242 (1979)). In the first of those cases, the district court held that a Pennsylvania law requiring motor vehicle equipment manufacturers to obtain pre-sale State approval of their equipment was preempted to the extent that the State standards being enforced were identical to the FMVSS. The State of Pennsylvania appealed to the Circuit Court of Appeals for the 3rd Circuit. That law was then replaced by another law requiring submission of the new equipment prior to sale but permitting sale during the approval process. The Court of Appeals remanded the case to the district court for consideration of the new law. On remand, the district court held that the new law also was preempted. This holding was based primarily on the pervasive scheme for Federal enforcement of the FMVSS.

Since the district court's decision in 1979, the agency has been reviewing its interpretation to determine whether it should be revised to reflect the broader position in that decision. During this time, the agency has thoroughly reexamined the Act and its legislative history. The agency's review has led it to the conclusion that the broader position in the 1979 decision more accurately reflects the Congressional intent underlying the Act.

NHTSA believes Congressional intent to preempt State pre-sale enforcement of their identical standards is implied by the Act's legislative history. An intent to preempt is implicit where, as in the case of the Act, Congress has indicated through its reports and debates that it intends an area to be subject exclusively to Federal regulation. This intent is evidenced with respect to the Act in two ways.

First, the changes made during the legislative process to section 103(d), the Act's only express reference to preemption, and the rationales in the legislative history for those changes demonstrate a Congressional intent that pre-sale enforcement of the FMVSS be the exclusive province of the Federal government. The first sentence of section 103(d) provides that:

*** Whenever a Federal motor vehicle safety standard established under this title is in effect, no State or political subdivision of a State shall have any authority either to establish, or to continue in effect, with respect to any motor vehicle of item or motor vehicle equipment any safety standard applicable to the same aspects of such vehicle or item of equipment which is not identical to the Federal standard. (15 U.S.C. 1392(d)) ***

As introduced in the House, this section prohibited States from having any standard, even an identical one, relating to the same aspect of performance regulated by a Federal standard. The Senate Commerce Committee reported a modified provision which prohibited only those state standards which differed from the FMVSS regulating the same aspect of performance. The Committee's report explained that the Federal standards apply only up to the point of the first sale of a motor vehicle or item or equipment. S. Rep. No. 1301, 89th Cong., 2d Sess. 12 (1966). The Committee reported the modified preemption provision in the belief that the States should be free to apply identical standards over the subsequent life of the product. The clear implication of the Senate Report is that absent concern for application of safety standards beyond the point of sale to consumers, a broad preemption provision would have been adopted. This implication is reinforced by the conference report. The House managers of the conference report stated that section 103(d), as modified in the conference, would ensure that the issuance of a Federal standard, applicable to new motor vehicles or items or equipment, would not inadvertently preempt State standards applicable to older vehicles. H.R. Rep. No. 1919, 89th Cong., 2d Sess. 16 (1966).

Second, the intent that pre-sale enforcement of identical standards be an exclusively Federal function is implicit in the statements in the legislative history that Congress intended the Act to create a program of uniform national safety standards applicable to new motor vehicles and items of equipment. S. Rep. No. 1301, 12 (1966); H.R. Rep. No. 1776, 89th Cong., 2d Sess. 1 (1966). Vehicles and equipment complying with the Federal standards were to be allowed to be transported and sold freely throughout each of the 50 states. (112 Cong. Rec. 14230 (1966).)

An intent to preempt is implicit also where a State law obstructs the accomplishment and execution of the full purposes of Congress. The State programs for regulating the compliance of new motor vehicles and motor vehicle equipment pose an obstacle to the Congressional objective of implementing uniform national standards at the pre-sale phase. Congress sought to achieve the safety purposes of the Act by making NHTSA the sole arbiter of compliance with the FMVSS through a compliance program relying on self-certification. The State schemes interfere with the realization of that intent by establishing multiple arbiters and inconsistent compliance procedures. Congress sought also to facilitate the introduction of new or redesigned models of motor vehicles and equipment through selecting self-certification instead of type approval. The use by the States of type approval with respect to State standards identical to the FMVSS frustrates that Congressional choice.

The pre-sale enforcement of State standards also interferes with NHTSA's effort to assess the practicability of potential new FMVSS and to ensure an appropriate relationship between the safety benefits and compliance and other costs of those FMVSS. Further, the States' establishing of requirements necessitating that manufacturers pay approval and testing fees may in some cases frustrate the agency's effort to establish new safety requirements. The likelihood of those efforts being frustrated would vary directly as a function of the number of States that establish such requirements. The costs which manufacturers must bear in order to obtain State approval of products subject to identical Federal and State standards may have a controlling effect on the agency's determination of what level of new requirements, if any, are practicable in terms of the costs they would impose. Such an effect is particularly likely in the case of equipment standards given the

relatively small size of many equipment manufacturers.

The agency recognizes that the interference with these Congressional objectives by the State pre-sale enforcement programs may be theoretically offset to some extent by their promotion of the Act's safety purposes. However, the agency lacks any data indicating that those programs demonstrably increase the rate of compliance with the FMVSS.

Finally, preemption is implicit where Congress establishes a comprehensive and detailed regulatory scheme. The Act contains such a scheme to ensure compliance with the FMVSS. Each motor vehicle and equipment manufacturer is required by section 114 of the Act to certify the compliance of each motor vehicle and item of equipment with all applicable FMVSS. To enable the agency to monitor compliance, section 112 of the Act provides it with broad authority to require recordkeeping and reporting and to conduct investigations. Agency compliance tests are supplemented by periodic agency requests to manufacturers for the data and analyses they used as the bases for their certifications. Failure to comply with any FMVSS or to certify compliance is subject under sections 108 and 109 to a civil penalty of up to \$1,000 per violation. In the event that noncomplying motor vehicles or equipment are produced, the agency is empowered by section 110 to seek an injunction to prevent further production and to halt the sale of such products. With respect to noncomplying vehicles and equipment that are sold to consumers, sections 151 *et seq.* of the Act provide for the recall and remedy without charge by manufacturers of the noncomplying products.

Accordingly, it is the position of NHTSA that any State requirement which necessitates that manufacturers pay fees in order to obtain approval under a State standard identical to a FMVSS, and any imposition of requirements for approval which has the effect of proscribing the sale of equipment certified under the Act to a standard such as FMVSS 218 would be preempted by operation of the Act and of the agency's action in adopting the Federal standard in question.

Issued on December 30, 1981.

Raymond A. Peck, Jr.,

Administrator.

[FR Doc. 81-37475 Filed 12-31-81; 9:57 am]

BILLING CODE 4910-59-M

Saint Lawrence Seaway Development Corporation

Advisory Board; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of the Advisory Board of the Saint Lawrence Seaway Development Corporation, to be held at 1:00 p.m., January 22, 1982, at the offices of the Corporation, 800 Independence Ave. S.W., Washington, D.C. The agenda for this meeting is as follows: Opening Remarks; Approval of Minutes; Administrator's Report; Review Programs; Old and New Business; Closing Remarks.

Attendance is open to the interested public but limited to the space available. With the approval of the Administrator, members of the public may present oral statements at the hearing. Persons wishing to attend and persons wishing to present oral statements should notify, not later than January 20, 1982 and information may be obtained from Robert D. Kraft, Director, Plans and Policy Development, Saint Lawrence Seaway Development Corporation, 800 Independence Avenue, S.W., Washington, D.C. 20591; 202-426-3574.

Any member of the public may present a written statement to the Advisory Board at any time.

Issued at Washington, D.C. on December 30, 1981.

D. W. Oberlin,

Administrator.

[FR Doc. 82-341 Filed 1-6-82; 8:45 am]

BILLING CODE 4910-61-M

Urban Mass Transportation Administration

Announcement of Institutions Selected To Offer Section 10 Managerial Training Grant Short Courses

AGENCY: Urban Mass Transportation Administration, DOT.

ACTION: Announcement of institutions selected to offer section 10 managerial training grant short courses.

SUMMARY: On June 18, 1981, the Urban Mass Transportation Administration (UMTA) announced that it was soliciting proposals for Section 10 Managerial Training Grant Short Courses. UMTA has completed its selection process and in this notice announces the names of the institutions it has selected.