

(iv) An evacuation of the general public occurs lasting one or more hours; or

(v) One or more major transportation arteries or facilities are closed or shut down for one hour or more; or

(vi) The operational flight pattern or routine of an aircraft is altered; or

(2) Fire, breakage, spillage, or suspected radioactive contamination occurs involving shipment of radioactive material (see also §§ 174.45, 176.48, and 177.807 of this subchapter); or

(3) Fire, breakage, spillage, or suspected contamination occurs involving shipment of infectious substances (etiologic agents); or

(4) There has been a release of a marine pollutant in a quantity exceeding 450 L (119 gallons) for liquids or 400 kg (882 pounds) for solids; or

(5) A situation exists of such a nature (*e.g.*, a continuing danger to life exists at the scene of the incident) that, in the judgment of the carrier, it should be reported to the Department even though it does not meet the criteria of paragraph (a) (1), (2) or (3) of this section.

(b) Except for transportation by aircraft, each notice required by paragraph (a) of this section shall be given to the Department by telephone (toll-free) on 800-424-8802.

Notice involving shipments transported by aircraft must be given to the nearest FAA Civil Aviation Security Office by telephone at the earliest practical moment after each incident in place of the notice to the Department. Notice involving etiologic agents may be given to the Director, Centers for Disease Control, U. S. Public Health Service, Atlanta, GA (800) 232-0124, in place of the notice to the Department or (toll call) on 202-267-2675. Each notice must include the following information:

(1) Name of reporter;

(2) Name and address of carrier represented by reporter;

(3) Phone number where reporter can be contacted;

(4) Date, time, and location of incident;

(5) The extent of injuries, if any;

(6) Classification, name, and quantity of hazardous materials involved, if such information is available;

(7) Type of incident and nature of hazardous material involvement and whether a continuing danger to life exists at the scene.

(c) Each carrier making a report under this section shall also make the report required by § 171.16.

Section 171.16 of Title 49 of the Code of Federal Regulations provides as follows:

#### **§ 171.16 DETAILED HAZARDOUS MATERIALS INCIDENT REPORTS.**

(a) Each carrier who transports hazardous materials shall report in writing, in duplicate, on DOT Form F 5800.1 (Rev. 6/89) to the Department within 30 days of the date of discovery, each incident that occurs during the course of transportation (including loading, unloading, and temporary storage) in which any of the circumstances set forth in 171.15(a) occurs or there has been an unintentional release of hazardous materials from a package (including a tank) or any quantity of hazardous waste has been discharged during transportation. If a report pertains to a hazardous waste discharge:

(1) A copy of the hazardous waste manifest for the waste must be attached to the report; and

(2) An estimate of the quantity of the waste removed from the scene, the name and address of the facility to which it was taken, and the manner of disposition of any removed waste must be entered in Section IX of the report form (Form F 5800.1) (Rev. 6/89).

(b) Each carrier making a report under this section shall send the report to the Information Systems Manager, DHM-63, Research and Special Programs Administration, Department of Transportation, Washington, DC 20590-0001; and, for incidents involving transportation by aircraft, a copy of the report shall also be sent to the FAA Civil Aviation Security Office nearest the location of the incident. A copy of the report shall be retained for a period of two years, at the carrier's principal place of business, or at other places as authorized and approved in writing by an agency of the Department of Transportation.

(c) Except as provided in paragraph (d) of this section, the requirements of paragraph (a) of this section do not apply to incidents involving the unintentional release of a hazardous material—

(1) Transported under one of the following proper shipping names:

i. Consumer commodity;

ii. Battery, electric storage, wet, filled with acid or alkali;

iii. Paint and paint related material when shipped in packaging of five gallons or less.

(2) Prepared and transported as a limited quantity shipment in accordance with this subchapter.

(d) The exceptions to incident reporting provided in paragraph (c) of this section do not apply to:

(1) Incidents required to be reported under § 171.15(a);

(2) Incidents involving transportation aboard aircraft;

(3) Except for consumer commodities, materials in Packing Group I; or

(4) Incidents involving the transportation of hazardous waste.

#### **III. Basis for Preemption**

Subsection (b)(1) of 49 U.S.C. 5125 provides that a non-federal requirement concerning “(D) the written notification, recording, and reporting of the unintentional release in transportation of hazardous material” is preempted if “it is not substantively the same as” a provision of federal transportation law or a regulation prescribed under that law. La. R. S. § 32:1510 is a non-federal requirement relating to the written notification and reporting of an unintentional release in transportation of hazardous materials that is not “substantively the same as” the federal regulations.

The federal regulations in 49 CFR 171.15 and 171.16 clearly require “the carrier” to fulfill the immediate reporting requirements for hazardous material accidents. The Louisiana statute is much broader and requires that “each person involved in an incident” make an immediate report to the state police. There can be many persons

involved in an incident, such as the carrier, the owner of the goods, or agents of each of them. Thus, the Louisiana statute requires duplicate reporting which could be confusing to those who may have to respond to the incident. From the standpoint of the manufacturer of the goods, it is an impractical regulation and will be difficult to achieve compliance. Arrangements are made between the manufacturer and the carrier to make sure that the carrier has the responsibility to make the immediate notification required under the federal regulations. The Louisiana requirement is much broader than the applicable federal requirement. Thus, La. R.S. § 32:1510 does not “conform in every significant respect to the Federal requirement,” 49 CFR 107.202(d). As such, it is not substantively the same and should be preempted.

ATOFINA Chemicals, Inc. requests this preemption determination because it received a Notice of Violation from the Louisiana State Police identifying a violation of La. R. S. § 32:1510. For the incident in question, ATOFINA believed that the carrier would make any necessary notification since it was directly present on the scene. Thus, to the extent that Louisiana believes that immediate notification is necessary for emergency response purposes, that concern is satisfied by imposing the immediate notification obligation on the carrier rather than on each person involved in the incident, some of whom may not be present at the scene and who would be making a notification based on second hand information received from those at the scene. It would be impractical and a burden on interstate commerce to require a large national company to comply with a multitude of different reporting requirements in the different state jurisdictions, particularly those like Louisiana's which impose the same duty on multiple parties. Procedures would become so cumbersome that ultimately they would not be useful at all. Therefore, ATOFINA Chemicals, Inc. requests that a determination be made that La. R. S. § 32:1510 is preempted by 49 CFR 171.15 and 171.16.

[FR Doc. 00-25589 Filed 10-16-00; 8:45 am]

BILLING CODE 4910-60-P

## **DEPARTMENT OF TRANSPORTATION**

### **Surface Transportation Board**

[STB Finance Docket No. 33931]

#### **Massachusetts Central Railroad Corporation—Acquisition and Operation Exemption—New York Central Lines LLC and CSX Transportation, Inc.**

Massachusetts Central Railroad Corporation (MCER), a Class III railroad, has filed a notice of exemption under 49 CFR 1150.41 to acquire from New York Central Lines LLC and CSX Transportation, Inc. (collectively CSX) and operate approximately 1.4 miles ±

of line from milepost QBR 0.205 to milepost QBR 1.605, in Palmer, MA.<sup>1</sup>

The earliest the transaction could be consummated was October 6, 2000, the effective date of the exemption (7 days after the exemption was filed). Counsel for MCER has been contacted by telephone and has acknowledged that the transaction could not be consummated until October 6, 2000.

If the verified notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke does not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33931, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423-0001. In addition, one copy of each pleading must be served on James E. Howard, Esq., One Thompson Square, Suite 201, Charlestown, MA 02129.

Board decisions and notices are available on our website at "WWW.STB.DOT.GOV."

Decided: October 10, 2000.

By the Board, David M. Konschnik, Director, Office of Proceedings.

**Vernon A. Williams,**  
Secretary.

[FR Doc. 00-26653 Filed 10-16-00; 8:45 am]

**BILLING CODE 4915-00-P**

## DEPARTMENT OF THE TREASURY

### Bureau of Alcohol, Tobacco and Firearms

#### Proposed Collection; Comment Request

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the Bureau of Alcohol, Tobacco and Firearms within the Department of the Treasury is soliciting comments concerning the Letterhead Applications and Notices Filed by Brewers.

**DATES:** Written comments should be received on or before December 18, 2000.

**ADDRESSES:** Direct all written comments to Bureau of Alcohol, Tobacco and Firearms, Linda Barnes, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202) 927-8930.

#### FOR FURTHER INFORMATION CONTACT:

Requests for additional information or copies of the form(s) and instructions should be directed to William H. Foster, Regulations Division, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202) 927-8374.

#### SUPPLEMENTARY INFORMATION:

*Title:* Letterhead Applications and Notices Filed by Brewers.

*OMB Number:* 1512-0045.

*Form Number:* ATF F 5130.10.

*Recordkeeping Requirement ID*

*Number:* ATF REC 5130/2.

*Abstract:* The Internal Revenue Code requires brewers to file a notice of intent to operate a brewery. ATF F 5130.10 is similar to a permit and, when approved by ATF, is a brewer's authorization to operate. Letterhead applications and notices are necessary to identify brewery activities so that ATF may insure that proposed operations do not jeopardize Federal revenues. Brewers must keep general required records for ongoing brewery operations for a period of 3 years. However, the brewer must keep certain documents for an indefinite period. Qualifying documents are the permission to operate. So, as long as the brewery is in operation, the brewer must keep the pertinent qualifying documents, including the Brewer's Notice and other notices and applications.

*Current Actions:* The form has been rewritten in plain language style which makes it more easily understood. Also, the revised form has combined many letterhead instructions and attachments where previously the brewer would have to generate the attachments for the application. The number of breweries has increased substantially but the burden to complete the form has been reduced by 1 hour.

*Type of Review:* Extension with changes.

*Affected Public:* Business or other for-profit.

*Estimated Number of Respondents:* 1,750.

*Estimated Time Per Respondent:* 3 hours for the form and 30 minutes for notices and applications.

*Estimated Total Annual Burden Hours:* 9,625.

#### Request for Comments

Comments submitted in response to this notice will be summarized and/or

included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: October 10, 2000.

**William T. Earle,**

*Assistant Director (Management) CFO.*

[FR Doc. 00-26624 Filed 10-16-00; 8:45 am]

**BILLING CODE 4810-31-P**

## DEPARTMENT OF THE TREASURY

### Bureau of Alcohol, Tobacco and Firearms

#### Proposed Collection; Comment Request

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the Bureau of Alcohol, Tobacco and Firearms within the Department of the Treasury is soliciting comments concerning the Firearms Transaction Record, Part II Non-Over-The-Counter.

**DATES:** Written comments should be received on or before December 18, 2000.

**ADDRESSES:** Direct all written comments to Bureau of Alcohol, Tobacco and Firearms, Linda Barnes, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202) 927-8930.

#### FOR FURTHER INFORMATION CONTACT:

Requests for additional information or copies of the form(s) and instructions should be directed to Gary Thomas, Chief, Firearms Programs Division, 650

<sup>1</sup> MCER states that it currently leases the line from CSX and operates it.