

together with a request for an opportunity to be heard, if desired, is received in writing by the addressee set forth below within sixty (60) days from the date of publication of this notice. Copies of the patent application may be obtained, on request, from the same addressee.

All communications concerning this notice should be sent to: Mr. Samuel B. Smith, Jr., Chief, Intellectual Property Branch, Commercial Litigation Division, Air Force Legal Services Agency, AFLSA/JACNP, 1501 Wilson Blvd., Suite 805, Arlington, VA 22209-2403, telephone (703) 696-9050.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 95-28651 Filed 11-22-95; 8:45 am]

BILLING CODE 3910-01-P

Department of the Army

Proposal To Change Items 85 and 90 in the Military Traffic Management Command Freight Traffic Rules Publication 1A (MFTRP-1A) Governing Carrier's Entitlement to Detention Charges

AGENCY: Military Traffic Management Command, DOD.

ACTION: Notice of proposed change.

SUMMARY: The Military Traffic Management Command is proposing changes to Items 85 and 90 in the Military Traffic Management Command Freight Traffic Rules Publication 1A (MFTRP-1A) governing carrier's entitlement to detention charges. The changes increase the amount of free time available for loading or unloading and state when free time shall begin and how detention is properly documented.

DATES: Comments must be submitted on or before December 26, 1995.

ADDRESSES: All comments concerning the proposed rule changes should be addressed to Headquarters, Military Traffic Management Command, ATTN: MTOP-T-NI, Room 621, 5611 Columbia Pike, Falls Church, VA 22041-5050.

FOR FURTHER INFORMATION CONTACT: Leon N. Patton, Jr., or John Alexander, (703) 681-6871.

SUPPLEMENTARY INFORMATION: Military shippers have requested that detention rules require detention to be documented by the carrier and the installation. The purpose of this is to avoid billing problems. Military shippers have also requested that carriers provide more free time, up to 7

hours, to reduce the number of detention instances. The proposed rules below implement these changes. New material is marked between left and right arrows (↔). Deleted material is marked between left and right brackets ([]). The proposed rule changes, if finalized, will be published in a future revision of MFTRP-1A.

ITEM 85 DETENTION: VEHICLES WITH POWER UNITS (DP)

(See NOTES 1 and 2 herein and NOTE 2, ITEM 90)

When carrier's vehicle with power unit (straight truck, tractor-trailer combination, or dromedary box) is delayed or detained for loading or unloading on the premises of consignor, consignee, or other premises approved by them, and such delay or detainment is attributable to the consignor or consignee, the shipment (or the combined weight of multiple shipments) being loaded or unloaded will be subject to the following provisions:

1. Free time: Carriers will allow the free time periods listed below for loading or unloading carrier's vehicle:

Type of shipment(s)	Free time
a. Vehicles loaded on Motor Vehicle Transport Trailers (Equipment Code A20)	1 hour (waiting time to begin loading or unloading).
b. Vehicles loaded on flat-bed equipment	3 hours.
c. Fully palletized shipments, 20,000 lbs. and over	2 hours (Note 1).
Actual weight in pounds per vehicle stop, not palletized, subject to Note 1:	
d. Less than 3,000 lbs.	1 hour.
e. 3,000 lbs. but less than 10,000 lbs.	2 hours.
f. 10,000 lbs. but less than 20,000 lbs.	3 hours.
g. 20,000 lbs. ↔but less than 28,000 lbs.	4 hours.↔
↔h. 28,000 lbs. but less than 36,000 lbs.↔	5 hours.↔
↔i. 36,000 lbs. but less than 44,000	6 hours.↔
↔j. 44,000 lbs. and over	7 hours.↔

[Free time shall begin from the time carrier's employee notifies a responsible representative of the consignor or consignee that the vehicle is available and ready for loading or unloading, and it is within the consignor's or consignee's normal operating hours, or acceptance hours as annotated on the bill of lading.]

↔2. Free time shall begin when the following three conditions are met:↔

- ↔a. The vehicle is cleared and approved (inspection and administrative) for loading and unloading.↔
- ↔b. the vehicle is positioned at the loading/unloading dock, and↔
- ↔c. it is within the consignor's or consignee's normal operating hours as

published or acceptance hours as annotated on the bill of lading.↔

The computation of time, in paragraph (1) above, is to be made within the normal business (shipping) day at the designated premises at the place of pickup or delivery, except if a carrier or its representative is permitted to work beyond this period, such working time shall also be included. When loading or unloading is not completed at the end of such day, time will be resumed at the beginning of the next work day, or when work the next day is actually begun by the carrier or its representative, if earlier.

[A shipment will be considered as "fully palletized" when at least 90% of

the shipment weight (exclusive of pallet weight) is loaded on pallets.]

↔When a scheduled time has been designated for the carrier's equipment to begin loading and the carrier arrives late, without prior notification to the consignor, the free time will not begin until an equal amount of time has passed; e.g., the carrier was supposed to be there at 0800; arrived at 1100; free time would start at 1400. Maximum detention paid for a late arriving carrier will be limited to 2 hours per day regardless of actual weight of the shipment.↔

↔3. Charges:↔ If loading or unloading extends beyond the allowable free time, the charge will be ↔(in dollar and cents)

DP (1)S . ♦ for each hour, or fraction thereof, the vehicle is delayed beyond the allowable free time, until released by the shipper or consignee. Detention charges provided herein will be assessed during normal business hours only.

4. This rule will also apply: When shipper or consignee requires that the tractor be disconnected from the trailer during loading or unloading, and parked elsewhere on the shipper's or consignee's premises; or when shipper or consignee directs that the trailer be left overnight and the tractor be parked at other than shipper's or consignee's premises.

♦5. Documented Detention: Detention must be documented when it occurs by the carrier's representative and the installation Transportation Officer responsible. This must be accomplished prior to the driver exiting the installation following either pick-up or delivery of freight. A copy of the documentation will be forwarded along with the invoice for payment. Carrier must provide form for documentation which will include as a minimum:♦

- ♦a. Government bill of lading and/or carrier's freight waybill number(s).♦
- ♦b. Signatures of carrier and installation Transportation Officers.♦
- ♦c. Vehicle identification numbers including tractor and trailer numbers as applicable.♦
- ♦d. Exact date and time the vehicle was spotted for loading or unloading and date and time the vehicle was released to the driver.♦
- ♦e. Shipment weight, whether shipment is palletized and percent palletized, and whether material handling equipment was used by installation if applicable.♦
- ♦f. Reason for the delay.♦

Note 1: If ♦90% or more of ♦ the material (boxes, crates, pieces, parts, etc.) comprising [the] ♦a♦ nonpalletized shipment is unloaded or loaded by pallet jack, fork lift, or other type of material handling equipment—without use of pallets—then the free time allowed [(not to exceed 2 hours)] will be one-half of the free time allowed for shipments not palletized ♦or 3.5 hours, whichever is less.♦ [To be eligible for this exception, at least 90% of the weight must be loaded or unloaded in the manner described.] Fully palletized shipments weighing less than [20,000] ♦44,000♦ pounds will be allowed one-half the free time in 1(d), 1(e), 1(f), ♦1(g), 1(h), 1(i), or 1(j). However, in no case will free time for loading or unloading explosive shipments be less than one hour.♦

Note 2: [Authorization for waiver of charges (effective December 17, 1986) contained in interim change letter dated December 23, 1986, is now contained in ITEM 10 of this publication. ITEM 85 amendments filed according to this letter do

not have to be refiled to conform with the revised instructions in ITEM 10, unless a carrier wishes to do so.] ♦A shipment will be considered as "fully palletized" when at least 90% of the shipment weight (exclusive of pallet weight) is loaded on pallets.♦

ITEM 90—DETENTION: VEHICLES WITHOUT POWER UNITS (DW)

(See NOTES 1 and 2)

Subject to the availability of equipment and carrier's approval, carriers may spot vehicles without power units (empty or loaded trailers) for loading or unloading on the premises of the consignor or consignee, or on other premises designated by them. When such vehicles are delayed or detained, and the delay is attributed to the consignor or consignee, the shipment (or the combined weight of multiple shipments) being loaded or unloaded will be subject to the following provisions:

1. Free time:

(a) Trailers spotted for loading or unloading will be allowed 24 hours of free time for loading/unloading, which will commence when the trailer is spotted for loading or unloading.

(b) When any portion of the free time extends into a Saturday, Sunday or holiday, the computation of free time will resume at 12:01 a.m. on the next day which is neither a Saturday, Sunday or holiday.

(c) Free time shall not begin on a Saturday, Sunday or holiday, but at 8:00 a.m. on the next work day which is not a Saturday, Sunday, or holiday.

2. Dual transactions: When a trailer is both unloaded and reloaded, each transaction will be treated independently of the other. Free time for loading shall not begin until free time for unloading has elapsed.

3. End of detention: Detention will end when consignor or consignee notifies carrier by telephone that loading or unloading has been completed and that the trailer is available for pickup.

[a. After loading/unloading has been complete and the carrier has been notified, carrier must connect and pull his equipment in a timely manner. Carrier's equipment is considered released after carrier has been notified by the shipper or consignee.]

[b. If loading/unloading has not extended beyond the free time, but the carrier has failed to connect and move his equipment in a timely manner after being notified by the consignor or consignee, neither consignor nor consignee will not be subject to any detention charges. Also, carriers credits earned on equipment held cannot be used by the carrier to offset debits

chargeable on his equipment awaiting to be moved.]

4. Charges: Charges for detention of vehicles without power units will be:

a. For each of the first and second 24-hour periods or fraction thereof that vehicle is detained beyond the allowable free time, the charge will be ♦(in dollars and cents) DW(1)S . ♦ per 24-hour day or fraction thereof.

b. For each of the third and fourth 24-hour periods or fraction thereof that vehicle is detained beyond the allowable free time, the charge will be ♦(in dollars and cents) DW(2)S . ♦ per 24-hour day or fraction thereof. For the fifth and each succeeding 24-hour period or fraction thereof that vehicle is detained beyond allowable free time, the charge will be ♦ (in dollars and cents) DW(3)S . ♦ per 24-hour day or fraction thereof.

♦5. Documented Detention: Detention must be documented, when it occurs by the carrier's representative and the installation responsible. This must be accomplished prior to the driver exiting the installation, following either pick-up or delivery of freight. A copy of the documentation will be forwarded along with the invoice for payment. The documentation will include as a minimum:♦

- ♦a. Government bill of lading and/or carrier's freight waybill number(s).♦
- ♦b. Signatures of carrier and installation Transportation Officers.♦
- ♦c. Vehicle identification numbers including tractor and trailer numbers as applicable.♦

♦d. Exact date and time the vehicle was spotted on the premises for loading or unloading and date and time the carrier was notified that the vehicle was released for pickup.♦

♦e. Shipment weight, whether shipment is palletized and percent palletized, and whether material handling equipment was used by installation if applicable.♦

♦f. Reason for the delay.♦

Note 1: Certain Government installations have specific agreements for storing and relocating carrier equipment for loading and unloading and/or detention charges. (See ITEMS 600 and 605 for application)

Note 2: Installations incurring charges under ITEMS 85 and/or ITEM 90 will be billed direct. SEE ITEM 78 herein.

[Note 3: Authorization for waiver of charges (effective December 17, 1986) contained in interim change letter dated December 23, 1986, is now contained in ITEM 10 of this publication. ITEM 85 amendments filed according to this letter do not have to be refiled to confirm with the

revised instruction in ITEM 10, unless a carrier wishes to do so.]

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 95-28588 Filed 11-22-95; 8:45 am]

BILLING CODE 3710-08-P

Transloading Shipments of Arms, Ammunition, and Explosives

AGENCY: Military Traffic Management Command, DOD.

ACTION: Notice of proposed rule change.

SUMMARY: The Military Traffic Management Command is proposing to change Item 48 in the Military Traffic Management Command Freight Traffic Rules Publication 1A (MFTRP 1A) to read as follows:

“Transloading shipments of Division 1.1, 1.2, and 1.3 ammunition and explosives will be conducted as follows:
a. Truckload shipments will not be off-loaded or transferred to another vehicle enroute, except in emergencies (as defined in 49 CFR 390.5).

b. Loading and unloading of less-than-truckload (LTL) shipments of Division 1.1, 1.2, and 1.3 ammunition and explosives will be accomplished only in a carrier terminal. For the purposes of this rule, a carrier terminal is defined as one which is equipped to safely handle the loading and unloading of Division 1.1, 1.2, and 1.3 ammunition and explosives from a commercial motor vehicle. In addition, when the transloading of Division 1.1, 1.2, and 1.3 ammunition and explosives occurs at a carrier terminal other than that of the carrier of record, as indicated on the Government Bill of Lading, prior written approval must be received from a company official or the carrier terminal manager. All Federal, State, and local guidelines for handling Division 1.1, 1.2, and 1.3 ammunition and explosives will apply when transloading occurs. The carrier accepts liability for the integrity of the shipments, to include proper blocking and bracing.

c. Transloading of ammunition and explosives on a military installation must be approved by the installation commander.”

DATES: Comments must be submitted on or before December 26, 1995.

ADDRESSES: All comments concerning the proposed rule change should be addressed to Headquarters, Military Traffic Management Command, ATTN: MTOP-QEC, 5611 Columbia Pike, Falls Church, VA 22041-5050.

FOR FURTHER INFORMATION CONTACT: Mr. David Foreman, (703) 681-6293, Headquarters, Military Traffic Management Command, ATTN: MTOP-

QEC, 5611 Columbia Pike, Falls Church, VA 22041-5050.

SUPPLEMENTARY INFORMATION: This proposed rule changes the existing rule to clarify where and under what circumstances transloading of shipments of Division 1.1, 1.2, and 1.3 ammunition and explosives is permitted. Clarification of this rule responds to concerns by munition motor carriers that the existing rule is too vague and thus difficult to follow and enforce. The objective of the proposed rule is to ensure that the handling of ammunition and explosives occurs *only* in locations where the proper equipment and facilities are available to protect the public safety. Compliance with the proposed rule will be a matter of review by MTMC safety inspection. Violation of the rule may result in administrative sanctions, to include non-use or disqualification. If approved as a final rule, the proposed rule will be published in a future revision of MFTRP 1A.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 95-28589 Filed 11-22-95; 8:45 am]

BILLING CODE 3710-08-M

Availability of Non-Exclusive, Exclusive, or Partially Exclusive Licensing of Infrared Flare Composition Technology

AGENCY: Picatinny Arsenal, New Jersey.

ACTION: Notice.

SUMMARY: The Department of the Army announces the general availability of exclusive, partially exclusive, or non-exclusive licenses under the above technology. In addition, the following related patent application is available for licensing: Serial Number 08/530,403, sent for filing on 9/12/95, Docket #

DAR-42-94, by Paul Ase, Alan Snelson and Ezra Shoua. Licenses shall comply with 35 U.S.C. 209 and 37 CFR 404.

FOR FURTHER INFORMATION CONTACT: Mr. Edward Goldberg, Chief, Intellectual Property Law Division, AMSTA-AR-GCL, U.S. Army ARDEC, Picatinny Arsenal, NJ 07806-5000, Telephone Number (201) 724-6950.

SUPPLEMENTARY INFORMATION: Written objections must be filed within 30 days from the date of publication of this notice in the Federal Register.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 95-28590 Filed 11-22-95; 8:45 am]

BILLING CODE 3710-08-M

Corps of Engineers

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for a Permit for Proposed Offshore Oil and Gas Development for the Northstar Unit in the Alaskan Beaufort Sea

AGENCY: U.S. Army Corps of Engineers, Alaska District.

ACTION: Notice of intent.

SUMMARY: The Corps is evaluating issuance of a permit to BP Exploration (Alaska), Inc. for activities to develop an off-shore oil and gas facility in State waters of the Beaufort Sea north of the Prudhoe Bay oilfields through an Environmental Impact Statement.

FOR FURTHER INFORMATION CONTACT:

Ms. Terry Carpenter, Regulatory Branch, Corps of Engineers, Alaska District, Post Office Box 898, Anchorage, Alaska 99506; telephone (907) 753-2712, or in Alaska 1-(800)-478-2712.

SUPPLEMENTARY INFORMATION:

BP Exploration proposes to develop the Northstar reservoir from an off-shore structure in about 40 feet of water, 2-7 miles north of the Kuparuk River Delta, and a pipeline to the shore. An on-shore pipeline would connect to existing facilities for further transportation. Placement of structures and/or fill material would require issuance of a permit under Section 10 of the Rivers and Harbor Act and Section 404 of the Clean Water Act. Other permits and authorizations may be required from the Environmental Protection Agency (EPA), the Minerals Management Service (MMS), the National Marine Fisheries Service (NMFS), the Fish and Wildlife Service (FWS), State agencies, and the North Slope Borough. BP Exploration proposes a start-up date of 1997 for construction.

A preferred alternative has not been proposed by BP Exploration. Alternatives will be identified and evaluated throughout the EIS process with a preferred alternative identified in the Draft EIS. Some options that will be considered include (1) whether produced fluids will be processed at the off-shore facility with only oil transported to shore, partially processed, or transported in 3-phase (oil, gas, water) to on-shore facilities for processing, (2) the means of transporting produced fluids (buried or drilled subsea pipeline, raised pipeline, tankering), (3) the route of a pipeline to shore, and (4) the spill-detection system to be employed. It is estimated that the DEIS will be available to the public by July 1996.