Docket Number: OST–96–1977.
Date filed: November 20, 1996.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: December 18, 1996.
Description:
Application of Hawaiian Airlines, Inc., pursuant to 49 U.S.C. Sections 41102, 41108, and Subpart Q of the Regulations, applies for a certificate of public convenience and necessity authorizing scheduled foreign air transportation of persons, property, and mail between any point in the United States and any point in Canada, subject to a condition that service to Vancouver, Montreal and Toronto shall be separately authorized, to the extent necessary for such service to be consistent with the phase-in provisions for those three cities in the United States-Canada Air Transport Agreement signed on February 24, 1995.

Paulette V. Twine,

Chief, Documentary Services.

[FR Doc. 96–30698 Filed 12–2–96; 8:45 am]

BILLING CODE 4910–62–P

Aviation Proceedings; Agreements Filed During the Week Ending 11/22/96

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C 412 and 414. Answers may be filed within 21 days of date of filing.

Docket Number: OST–96–1961.
Date filed: November 18, 1996.
Parties: Members of the International Air Transport Association.
Subject: TC123 Telex Mail Vote 836, Amend South Atlantic-Europe Fares, Resos 057o (r–1) & 047o (r–2), Intended effective date: March 1, 1997.

Docket Number: ST–96–1962.
Date filed: November 18, 1996.
Parties: Members of the International Air Transport Association.
Subject: Comp Telex Mail Vote 837, Amendment to Mileage Manual (Reso 011a), Intended effective date: April 1, 1997.

Docket Number: OST–96–1971.
Date filed: November 20, 1996.
Parties: Members of the International Air Transport Association.
Subject: PTC23 AFR–TC3 0002 dated November 15, 1996, R1–2; PTC23 AFR–TC3 0003 dated November 15, 1996, R3–5; PTC23 AFR–TC3 0004 dated November 15, 1996, R6, R–1—002qq, R–2—065y, R–3—003b, R–4—071t, R–5—086v, R–6—015v. Intended effective date: as early as December 15, 1996.

Docket Number: OST–96–1972.
Date filed: November 20, 1996.
Parties: Members of the International Air Transport Association.
Subject: Comp Telex Mail Vote 840, Composite Fare Construction Resos, R–1—010e, R–2—002ee, R–3—017f. Intended effective date: February 1, 1997.

Docket Number: OST–96–1973.
Date filed: November 20, 1996.
Parties: Members of the International Air Transport Association.
Subject: TC12 Telex Mail Vote 839, North Atlantic-Africa Reso 002—Readopting Resolution, Intended effective date: January 1, 1997.

Docket Number: OST–96–1974.
Date filed: November 20, 1996.
Parties: Members of the International Air Transport Association.
Subject: TC1 Telex Mail Vote 838, Fares within South America, R–1—051d, R–2—041d, R–3—061d, R–4—070j, R–5—071b, Intended effective date: December 1, 1996.

Docket Number: OST–96–1980.
Date filed: November 22, 1996.
Parties: Members of the International Air Transport Association.
Subject: PTC12 SATL–EUR 0007 dated November 1, 1996. South Atlantic-Europe Resos rl–24, PTC12 SATL–EUR 0008 dated November 19, 1996, PTC12 SATL–EUR FARES 0002 dated November 19, 1996, r–1—001a, r–9—064m, r–17—078f, r–2—001rr, r–10—070y, r–18—078LL, r–3—002, r–11—071mm, r–19—080c, r–4—005bb, r–12–071ey, r–20–080g, r–5–015v, r–13–073e, r–21–080r, r–6–017c, r–14–074x, r–22–085L, r–7–044m, r–15–075pp, r–23–087uu, r–8–054m, r–16—076w, r–24–092d, Intended effective date: April 1, 1997.

Docket Number: OST–96–1981.
Date filed: November 22, 1996.
Parties: Members of the International Air Transport Association.
Subject: PTC23 EUR–SWP 0004 dated November 15, 1996, Europe-Southwest Pacific Resos r1–20, PTC23 EUR–SWP 0005 dated November 19, 1996, PTC23 EUR–SWP Fares 0001 dated November 15, 1996, r–1–001b, r–8–057c, r–15–071ii, r–2–002, r–9–058c, r–16–071oo, r–3–15v, r–10–065c, r–17–076d, r–4–045c, r–11–067c, r–18–076f, r–5–047c, r–12–068c, r–19–078w, r–6–048c, r–13–070hh, r–20–079dd, r–7–055c, r–14–071gg, Intended effective date: April 1, 1997.

Docket Number: OST–96–1982.
Date filed: November 22, 1996.
Parties: Members of the International Air Transport Association.
Subject: PTC COMP 0038 dated November 22, 1996, Fare increase to cover increased fuel costs, Non-U.S. markets, Intended effective date: December 15, 1996.

Docket Number: OST–96–1983.
Date filed: November 22, 1996.
Parties: Members of the International Air Transport Association.
Subject: PTC COMP 0039 dated November 22, 1996, Fare increase to cover increased fuel costs, U.S. markets, Minutes—PTC COMP 0041 dated November 21, 1996, Intended effective date: December 15, 1996.

Paulette V. Twine,

Chief, Documentary Services.

[FR Doc. 96–30697 Filed 12–296; 8:45 am]

BILLING CODE 4910–62–P

Federal Railroad Administration

[FRA Docket No. RSOR–6, Notice No. 43]

RIN 2130–AA81

Alcohol/Drug Regulations: Temporary Post-Accident Blood Testing Procedures

AGENCY: Federal Railroad Administration (FRA).

ACTION: Notice.

SUMMARY: Some of the currently distributed FRA post-accident toxicology testing (PATT) kits contain blood tubes with expiration dates ranging from October 1996 to January 1997. Since the blood tube lots that are currently available will expire in a few months, FRA decided to delay replacing the expiring tubes until new lots of 18–24 month blood tubes become available in early 1997. This notice explains the procedures to be followed until FRA distributes replacement blood tubes.

FOR FURTHER INFORMATION CONTACT: Lamar Allen, Alcohol and Drug Program Manager (RRS–11), Office of Safety, FRA, 400 7th Street, S.W., Washington, D.C. 20590 (Telephone: (202) 632–3378) or Patricia V. Sun, Trial Attorney (RCC–11), Office of Chief Counsel, FRA, 400 7th Street, S.W., Washington, D.C. 20590 (Telephone: (202) 632–3183).

Background

Since 1986, FRA has included Vacutainer brand 10 milliliter (mL) evacuated blood collection tubes, manufactured by Becton Dickinson (Becton), in its post-accident toxicology testing (post-accident) kits. Each individual post-accident kit (there are three kits in each post-accident toxicology testing box) contains two Vacutainer brand grey-top glass tubes. These tubes, which have no interior coating, contain silicone, a rubber stopper lubricant, sodium fluoride, an antibacterial agent and mild anticoagulant, and potassium oxalate, an anticoagulant. On each tube, Becton has printed an expiration date, the date

until which it warrants that the tube has sufficient vacuum to draw blood and chemical additives that remain potent. Becton normally releases its blood tubes in lots which expire within 18–24 months of manufacture.

Many of FRA's post-accident kits that have been distributed to railroads contain blood tubes that will expire beginning this fall (from October 1996 to January 1997). The replacement blood tube lots that are now available have only a few months remaining before they expire. FRA has decided to delay tube replacement until newly prepared 18–24 month lots become available in early 1997.

Interim Procedures

Until the current inventory of blood tubes in the field is replaced in early 1997, FRA authorizes railroads to instruct local medical personnel to replace the expired tubes with their own stock of unexpired 10 mL grey-top tubes. (Substituted tubes must be 10 mL, not the 5 mL type, to ensure sufficient blood for analysis.) This action is requested, but not required, and need only be considered when expired tubes are discovered *during an actual post-accident collection*.

Tube replacement is always preferred to using expired tubes, but, if no opportunity for replacement arises, railroads are authorized to complete the post-accident collection using the expired blood tubes. FRA's post-accident testing program incorporates testing and analysis protocols designed to protect employees from unwarranted accusations of alcohol or drug use.

As explained below, grey-top tubes are the only commercial blood collection tubes generally available that contain sodium fluoride. They are FRA's tubes of choice for FRA's post-accident testing.

Scientific/Technical Issues

Although FRA's interim procedures require railroads to replace expired blood tubes with unexpired tubes if possible, FRA believes that use of an expired blood tube, if necessary, will not have a significant impact on the validity of post-accident test results. Discussed below are the two primary scientific/technical issues concerning the use of expired tubes: (1) the integrity of the vacuum present in the tube (to draw blood properly), and (2) the potency of the chemical additives.

Evacuated blood tubes that have recently expired (i.e., within the past several months) are not expected to show a dramatic decrease in tube vacuum. Moreover, a loss of vacuum only affects the efficiency of the medical professional's ability to draw a blood specimen from the donor. As pressure from the body's circulatory system forces blood into the evacuated tube, less vacuum will cause the blood to draw slower or not at all.

Until its expiration date, each grey-top blood tube is warranted by Becton to have 90% or more of its vacuum left (at an estimated deterioration rate of no greater than 5% per year). If a particular tube draws inefficiently due to lack of vacuum, a medical professional would ordinarily discard it and simply use another grey-top tube.

The presence or absence of the chemical additives contained in grey-top tubes does not affect the detection of any of the drugs tested for in FRA's post-accident testing panel, with the exception of parent cocaine. In fact, each grey-top blood tube contains sodium fluoride, an inorganic substance that contributes to the detectability of parent cocaine in blood, by helping to stabilize the spontaneous conversion of cocaine in vitro to cocaine metabolites (specifically to ecgonine methyl ester, or EME). However, sodium fluoride does not impact either the stability or the ability to detect the principal cocaine metabolite of interest, benzoylecgonine (BE). Whether the amount of sodium fluoride present in grey-top blood tubes is sufficient to retard conversion of parent cocaine continues to be a matter of scientific interest [see Iscenschmid et al, 1989; Brogan et al, 1992; Baselt et al, 1993; others]. Moreover, other factors, including the pH of the sample and the temperature of storage, can also affect the stability of parent cocaine in blood.

Since it is an inorganic compound, sodium fluoride oxidizes very slowly and in a vacuum environment is unlikely to deteriorate dramatically in the first few months after tube expiration. In the period between expiration of the older grey-top tubes and replacement with new ones, anticipated to be 90 days or less, there will be little, if any, significant difference in FRA's ability to detect parent cocaine. More importantly, there is *no possibility* that a ''false positive'' for cocaine or any of its metabolites would occur because of an expired blood tube.

Sodium fluoride is also widely established as an effective antimicrobial agent in retarding endogenous alcohol production [see Harper and Correy, 1988; Anderson and Prouty, 1995; Sulkowski et al, 1995; and others]. The production of ethyl alcohol in the body is a well known phenomenon, especially in post-mortem samples. In the presence of certain contaminating microorganisms, alcohol identical to that found in alcoholic beverages may be created. That is, under certain extreme conditions, alcohol can appear in an individual's urine, blood, or tissues without having been ingested. For alcohol to be produced under these circumstances, both glucose and certain bacteria or yeast must be present. Other factors, such as the storage temperature of the specimen or the condition of the body (if the donor is deceased), can also be significant. Obviously, endogenous production of alcohol is of concern in the post-accident alcohol testing of both surviving and deceased crew members.

The presence of alcohol-producing bacteria or yeast and glucose in a blood sample of a surviving crew member can occur only through a combination of disease processes and is extremely rare. Direct contamination of a specimen is also extremely unlikely given the collection and laboratory protocols of FRA's post-accident testing program, and the presence of sodium fluoride in sufficient amounts, such as the amounts contained in Vacutainer grey-top collection tubes.

For surviving crew members, even if the sodium fluoride in the tube were rendered totally inert by age, its absence would not be a problem unless contaminating bacteria or yeast were present. The blood tube itself, with its remaining vacuum, also serves to physically protect against that eventuality. In addition, FRA has in the past tested specifically for contaminating bacteria or yeast in both the urine and the blood, if their presence is suspected.

For deceased crew members, postmortem alcohol generation is always a potential issue when interpreting a positive alcohol result. In FRA's post-accident testing, there have been several cases where, given severe trauma and the correct environmental factors, alcohol was produced post-mortem in detectable amounts, even in the presence of fully potent sodium fluoride.

To account for this possibility, FRA has taken and will continue to take whatever scientific and technical steps are necessary to protect post-accident specimen donors from an incorrect interpretation of a positive test result. Among the procedures used by FRA to rule out an alcohol positive as coming from endogenous production are: examining other tissues or fluids (i.e., urine, brain, vitreous) which may have been protected from trauma or decomposition; determining that the distribution of alcohol in the various body fluids and tissues is inconsistent with that expected in a living person; detecting the presence of other volatiles

or physiological byproducts which can sometimes be present during post-mortem decomposition; repetitive analyses of a specimen to determine if the alcohol concentration is increasing; and determining the identity of any microorganisms present to assess whether they have alcohol-producing capability.

Authority: 49 U.S.C. 20103, 20107, 20111, 20112, 20113, 20140, 21301, 21304, and 49 CFR 1.49(m).

Issued in Washington, D.C. on November 27, 1996.

Grady C. Cothen,

Deputy Associate Administrator for Safety.

[FR Doc. 96–30759 Filed 12–2–96; 8:45 am]

BILLING CODE 4910–06–P

Notice of Safety Bulletin

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of safety bulletin.

SUMMARY: The FRA is issuing a Safety Bulletin addressing recommended safety practices for Direct Train Control (DTC) operations.

FOR FURTHER INFORMATION CONTACT: Doug Taylor, Staff Director, Operating Practices Division, Office of Safety Assurance and Compliance, FRA, 400 Seventh Street, S.W., Washington, D.C. 20590 (telephone 202–632–3346).

SUPPLEMENTARY INFORMATION: Preliminary investigatory findings following the head-on collision of two CSX freight trains at Smithfield, West Virginia, on August 20, 1996, indicate that existing carrier Direct Train Control [1] rules and procedures should be enhanced in order to reduce the risk of similar collisions. Therefore, the following three safety practices are recommended in DTC territory:

In non-signalled DTC territory—when a train holds an ''after arrival of'' block authority:

1. After the train to be met has been visually identified by engine number and the rear end marker has passed the point of restriction, the train being restricted shall establish positive radio contact with the train to be met in order to confirm the identity of the passing train. If radio contact cannot be established, the train dispatcher shall be contacted to provide the required confirmation. The train identification information received from the train to be met or from the dispatcher shall be recorded in writing by both the conductor and engineer, i.e., Engine *(number)* has passed *(location)* at *(time).*

In all DTC territory:

2. Once a movement authority is in effect, no alterations may be made other than those specifically prescribed by carrier operating rules.

3. Conductors and engineers should retain for seven days copies of all en route movement authorities transmitted by radio. These records should be periodically inspected by carrier officials.

In addition to these recommended safety practices, FRA emphasizes that strict adherence to existing FRA safety regulations will enhance safety of these rail operations. Railroad officials and employees should be particularly aware of the following regulations and their effect on the safety of DTC operations:

FRA regulations at 49 CFR 220.61(b)(5) require that both the conductor and engineer shall have a copy of all movement authorities transmitted by radio. FRA has traditionally interpreted this to mean that the conductor and the engineer shall *each* have a copy. Both crewmembers having their own copy of all movement authorities will, in accordance with the purpose of the rule, provide needed safety checks on unauthorized train movements.

FRA regulations at 49 CFR 217.9(b)(1) require that a carrier's program of operational tests and inspections provide for operational testing and inspection under the various operating conditions on the railroad. Consequently, operational tests and inspections conducted in accordance therewith must include a representative number of tests and inspections specifically covering operations in DTC territory.

Issued in Washington, D.C. on November 25, 1996.

Bruce Fine,

Associate Administrator for Safety.

[FR Doc. 96–30737 Filed 12–2–96; 8:45 am]

BILLING CODE 4910–06–P

Surface Transportation Board

[STB Finance Docket No. 33298]

Pioneer Railcorp—Acquisition of Control Exemption—Shawnee Terminal Railway Company, Inc.

Pioneer Railcorp. (Pioneer), a noncarrier holding company, has filed a notice of exemption to acquire, through stock purchase, Shawnee Terminal Railway Company, Inc., a Class III shortline railroad, operating in the State of Illinois.[1]

The earliest the transaction could be consummated was November 21, 1996, the effective date of the exemption (7 days after the exemption was filed).

Pioneer owns and controls eleven existing Class III shortline rail carriers: West Michigan Railroad Co., operating in Michigan; Fort Smith Railroad Co., operating in Arkansas; Alabama Railroad Co., operating in Alabama; Mississippi Central Railroad Co., operating in Mississippi and Tennessee; Alabama & Florida Railway Co., operating in Alabama; Decatur Junction Railway Co., operating in Illinois; Vandalia Railroad Company, operating in Illinois; Minnesota Central Railroad Co., operating in Minnesota; KNRECO, Inc., d/b/a/ Keokuk Junction Railway, operating in Iowa and Illinois; Columbia & Northern Railway Co., which has a right to operate in Mississipi; and Rochelle Railroad Co., which operates in Illinois.

Pioneer states that: (i) The railroads will not connect with each other or any railroad in their corporate family; (ii) the acquisition of control is not part of a series of anticipated transactions that would connect the eleven railroads with each other or any railroad in their corporate family; and (iii) the transaction does not involve a Class I carrier. Therefore, the transaction is exempt from the prior approval requirements of 49 U.S.C. 11323. *See* 49 CFR 1180.2(d)(2).

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Section 11326(c), however, does not provide for labor protection for transactions under sections 11324 and 11325 that involve only Class III rail carriers. Because this transaction involves Class III rail carriers only, the Board, under the statute, may not impose labor protective conditions for this transaction.

If the 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 will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance

[1] This is an umbrella term and refers to methods of operation known variously as Direct Traffic Control (DTC), Track Warrant Control (TWC), Track Permit Control Systems (TPCS), Form D control system (DCS), and similar methods of authorizing train movements.

[1] *See Shawnee Terminal Railway Company, Inc.—Acquisition and Operation Exemption—Cairo Terminal Railroad Company,* Finance Docket No. 33127 (STB served Oct. 11, 1996).