

(i) Screw reference ring onto the probe until the base of the reference ring is flush with the probe bottom, then back off two turns.

(ii) Warm the equipment for at least 20 minutes.

(iii) Set up the system between 150–215 kHz.

(iv) Locate the line  $\frac{1}{4}$  from the screen bottom.

(v) Rotate the reference ring counterclockwise and observe the spike signal on the screen. Adjust the gain (using gain control) until the spike peaks to  $\frac{3}{4}$  of the screen height (from home position to  $\frac{1}{4}$  of screen from the top).

(vi) When spike signals break the centerline the threshold light must come on.

5. *Eddy Current Examination and Visual Inspection*—A written examination procedure for performing the eddy current examination and visual inspection must be kept at each facility that performs examinations under this procedure. The visual inspection procedure must be in accordance with CGA pamphlet C–6.1 (IBR; see § 171.1 of this subchapter).

At a minimum, the written examination procedure for performing the eddy current must include the following instructions:

(i) Remove the probe from the reference ring and screw probe clockwise half-way into cylinder's neck and press the sweep (e.g. NULL) button.

(ii) Continue rotating the probe clockwise until the threshold line moves off top of the screen, indicating probe is inside shoulder area (probe is in air).

(iii) Rotate probe counterclockwise towards the outlet of the cylinder until the threshold line appears on the screen indicating the probe is in the cylinder's neck.

(iv) Press the sweep (e.g. NULL) button to ensure that the line is positioned on screen, preferably at home position.

(v) Watch for spike signals indicating cracks. Mark positions with a grease pencil. When the spike occurs rotate the probe 360 degrees.

(vi) Check for successive indications at same angle indicating multiple cracks. Two successive spikes that break the threshold at the same angle indicate a two thread crack. A two thread crack is the rejection criteria.

(vii) Perform the visual inspection for confirmation.

#### 6. *Examination equipment records.*

Records of eddy current inspection shall contain the following information:

(i) Equipment manufacturer, model number and serial number.

(ii) Probe description and unique identification (e.g., serial number, part number, etc.).

#### 7. *Eddy current examination reporting and record retention requirements.*

Daily records of eddy current examinations must be maintained by the person who performs the requalification until either the expiration of the requalification period or until the cylinder is again requalified, whichever occurs first. These records must be made available for inspection by a representative of the Department on request. Eddy current examination records shall contain the following information:

(i) Specification of each standard reference ring used to perform the eddy current examination.

(ii) DOT specification or exemption number, manufacturer's name or symbol, owner's name or symbol and date of manufacture.

(iii) Name of test operator performing the eddy current examination.

(iv) Date of eddy current examination.

(v) Location and type of defect on the cylinder crown or the threaded neck (e.g., 5 threads).

(vi) Acceptance/rejection results (e.g. pass or fail).

(vii) Legible identification of test operator.

Issued in Washington, DC on September 3, 2003, under authority delegated in 49 CFR part 106.

**Frits Wybenga,**

*Deputy Associate Administrator for Hazardous Materials Safety.*

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 13 and 17

**RIN 1018–AI85**

#### **Safe Harbor Agreements and Candidate Conservation Agreements With Assurances; Revisions to the Regulations**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Proposed rule.

**SUMMARY:** We, the U.S. Fish and Wildlife Service, propose to revise our regulations pertaining to enhancement of survival permits issued under the Endangered Species Act. The purpose of the proposed revisions is to revise the current implementing regulations for permits associated with Safe Harbor Agreements and Candidate Conservation Agreements with Assurances. These revisions will make Safe Harbor Agreements and Candidate Conservation Agreements with Assurances easier to understand and implement.

**DATES:** Comments from all interested parties must be received by November 10, 2003.

**ADDRESSES:** Comments or materials concerning the proposed rule should be sent to Division of Conservation and Classification, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, Room 420, Arlington, Virginia 22203 (Telephone 703/358–2171, Facsimile 703/358–1735). Comments and materials received on the proposed rule

will be available for inspection, by appointment, during normal business hours, at the above address.

#### **FOR FURTHER INFORMATION CONTACT:**

Chris Nolin, Chief, Division of Conservation and Classification, Fish and Wildlife Service (Telephone 703/358–2171, Facsimile 703/358–1735).

#### **SUPPLEMENTARY INFORMATION:**

#### **Background**

The Endangered Species Act (Act) (16 U.S.C. 1531 *et seq.*) was established to provide a means to conserve the ecosystems upon which endangered and threatened species depend, to provide a program for the conservation of these endangered and threatened species, and to take the appropriate steps that are necessary to bring any endangered or threatened species to the point where measures provided for under the Act are no longer necessary. Section 10(a)(1)(A) of the Act authorizes us to issue permits for otherwise prohibited activities in order to enhance the propagation or survival of the affected species. Section 10(d) requires that such permits be applied for in good faith, and if granted, will not operate to the disadvantage of endangered species, and will be consistent with the purposes of the Act.

In June of 1999, we issued two policies and revised our regulations to add two categories of permits to enhance the propagation or survival of listed, proposed, candidate, and other at-risk species. One category, called “permits for the enhancement of survival through Safe Harbor Agreements,” is detailed at §§ 17.22(c) and 17.32(c), and in the Safe Harbor Policy (64 FR 32717). The other category, called “permits for the enhancement of survival through Candidate Conservation Agreements with Assurances,” is detailed at §§ 17.22(d) and 17.32(d), and in the Candidate Conservation Agreements with Assurances Policy (64 FR 32726).

The purpose of the Safe Harbor Program is to promote voluntary management for listed species on non-Federal property while giving assurances to participating landowners that no additional future regulatory restrictions will be imposed. In return for the participant's efforts, the Service will authorize incidental take through an associated enhancement of survival permit issued under section 10(a)(1)(A) of the Act. In issuing such a permit, we expect a net conservation benefit will be accrued for the covered species through implementation of the Safe Harbor Agreement. The permit would allow participants to take individual listed animals to return