

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 173, 178 and 180

[Docket No. 183; Amdt. No. 173-212, 178-89, 180-2]

RIN 2137-AC37

Construction of Cargo Tank; Motor Vehicles; Extension of Compliance Date

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Final rule; extension of compliance date.

SUMMARY: RSPA is extending the time period, from August 31, 1993 to April 21, 1994, during which cargo tank motor vehicles may continue to be constructed to MC 306, MC 307, MC 312, MC 331, and MC 338 specifications. The extension is based on requests from the Cargo Tank Manufacturing Association, the Truck Trailer Manufacturers Association, the Heil Co., and members of the Compressed Gas Association. This action will allow additional time for RSPA and industry to resolve certain technical issues concerning the manufacture of cargo tank motor vehicles to the recently adopted DOT 06, DOT 407 and DOT 412 specifications and to resolve certain concerns on the structural integrity calculations in the MC 331 and MC 338 specifications.

EFFECTIVE DATE: April 7, 1993.

FOR FURTHER INFORMATION CONTACT: Ronald Kirkpatrick, telephone (202) 366-4545, Office of Hazardous Materials Technology, or Jennifer Karim, (202) 366-4488, Office of Hazardous Materials Standards, Research and Special Programs Administration, U.S. Department of Transportation, Washington, DC 20590-0001.

SUPPLEMENTARY INFORMATION: The final rules published under Dockets Nos. HM-183/HM-183A (June 12, 1989, 54 FR 24982; May 22, 1990, 55 FR 21035; September 7, 1990, 55 FR 37028; June 17, 1991, 56 FR 27872) established three new cargo tank specifications designated as DOT 406, DOT 407 and DOT 412. Manufacture of cargo tanks to these new specifications was authorized beginning on December 31, 1990. The rules also provided alternative methods for calculating design stresses for MC 331 and MC 338 cargo tanks.

To allow manufacturers sufficient time to implement changes in their manufacturing operation, RSPA provided for the continued manufacture

of cargo tanks to the MC 306, MC 307 and MC 312 specifications until August 31, 1993. However, as manufacturers began implementing the new requirements, certain technical issues were brought to RSPA's attention. Petitioners state that there is a need to postpone the compliance date because certain issues have not been resolved by DOT and a public meeting to discuss these issues will not be held until March 1993, thus, threatening the very existence of the industry. In addition, it has been brought to RSPA's attention that requirements for the structural integrity calculation found in §§ 178.337-3 and 178.338-3 may contain an error. Therefore, to allow time for resolving these issues, RSPA is extending the date that cargo tanks may no longer be constructed to the MC 306, MC 307, MC 312, MC 331 and MC 338 specifications from August 31, 1993 to April 21, 1994.

Rulemaking Analyses and Notices

Executive Order 12291 and DOT Regulatory Policies and Procedures

This final rule has been reviewed under the criteria specified in section 1(b) of Executive Order 12291 and is determined not to be a major rule. Although the June 12, 1989 final rule was significant under the regulatory procedures of the Department of Transportation (44 FR 11034), this document is not significant because it does not impose additional requirements and has the effect of extending a compliance date. This rule does not require a Regulatory Impact Analysis, or an environmental impact statement under the National Environmental Policy Act (42 U.S.C. 4231 et seq.) This final rule does not impose additional requirements and, in fact, would provide regulatory and economic relief in some areas. The original regulatory evaluation of the final rule was not modified because this final rule does not impose additional requirements and does not make substantive changes to the final rule.

Executive Order 12612

This action has been analyzed in accordance with the principles and criteria in Executive Order 12612 ("Federalism"). It has no substantial direct effect on the States, on the current Federal-State relationship, or the current distribution of power and responsibilities among levels of government. Thus, this final rule contains no policies that have Federalism implications, as defined in Executive Order 12612, and no Federalism Assessment is required.

Regulatory Flexibility Act

I certify that this final rule will not have a significant economic impact on a substantial number of small entities. There are no direct or indirect adverse economic impacts for small units of government, businesses, or other organizations.

Paperwork Reduction Act

This amendment imposes no changes to the information collection and recordkeeping requirements contained in the June 12, 1989 final rule, which were approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. chapter 35 and assigned control number 2137-0014.

Regulation Identifier Number (RIN)

A regulation identifier number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number contained in the heading of this document can be used to cross-reference this action with the Unified Agenda.

List of Subjects

49 CFR Part 173

Hazardous materials transportation, Packaging and containers, Radioactive materials, Reporting and recordkeeping requirements, Uranium.

49 CFR Part 178

Hazardous materials transportation, Motor vehicles safety, Packaging and containers, Reporting and recordkeeping requirements.

49 CFR Part 180

Hazardous materials transportation, Motor carriers, Motor vehicle safety, Packaging and containers, Reporting and recordkeeping requirements.

In consideration of the foregoing title 49, chapter I of the Code of Federal Regulations, is amended as set forth below.

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

1. The authority citation for part 173 would continue to read as follows:

Authority: 49 U.S.C. app. 1803, 1804, 1805, 1806, 1807, 1808, 1817; 49 CFR part 1, unless otherwise noted.

§ 173.33 [Amended]

2. In § 173.33, the following changes are made:

a. In paragraph (c)(4), the date "August 31, 1993" is revised to read "April 21, 1994".

b. In paragraph (d)(1), the date "August 31, 1993" is revised to read "April 21, 1994".

PART 178—SPECIFICATIONS FOR PACKAGINGS

3. The authority citation for part 178 would continue to read as follows:

Authority: 49 App. U.S.C. 1803, 1804, 1805, 1806, 1808; 49 CFR part 1.

§ 178.337-6 [Amended]

4. In § 178.337-6, in paragraph (a), the date "August 31, 1993" is revised to read "April 21, 1994".

PART 180—CONTINUING QUALIFICATION AND MAINTENANCE OF PACKAGINGS

5. The authority citation for part 180 continues to read as follows:

Authority: 49 U.S.C. app. 1803; 49 CFR part 1.

§ 180.405 [Amended]

6. In § 180.405, the following changes are made:

a. In paragraph (b), the date "August 31, 1993" is revised to read "April 21, 1994".

b. In paragraph (c)(1) table, under column 2, the date "Sept. 1, 1993" is revised to read "April 22, 1994".

§ 180.413 [Amended]

7. In § 180.413, in paragraphs (d)(1) (i), (ii) and (iii), the date "August 31, 1993" is revised to read "April 21, 1994".

§ 180.417 [Amended]

8. In § 180.417, in paragraph (a)(3), the date "September 1, 1993" is revised to read "April 22, 1994".

Issued in Washington, DC on March 2, 1993, under authority delegated in 49 CFR part 1.

Alan I. Roberts,

Acting Administrator.

[FR Doc. 93-5146 Filed 3-5-93; 8:45 am]

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