

flammable gas, UN 1954" because silane is not listed by name in Table 172.101. However, TDC lists Silane by name, classifies it as 2.3 (Poison Gas) and shows UN identification number 2203. Again, for shipments to Canada, package markings and shipping papers will show two proper shipping names and two conflicting identification numbers.

APCI believes that 171.12a(c), as currently written, is unnecessarily restrictive and, as illustrated above, creates confusion. We wish to petition for an amendment to this paragraph which would allow TDC classification, packaging, marking, and documentation for gases in the 2.3 and 2.4 classifications. We believe this amendment to be justified for the following reasons:

1. Shipments from Canada to the U.S.A. are given complete reciprocity. We see no reason why complete reciprocity cannot be given to shipments from the U.S.A. to Canada.

2. As has been mentioned on numerous occasions, the UN identification number is the key to the identification of hazardous materials and the key to the appropriate response in the event of an accident, spill or leak.

3. Conflicting shipping names on packages and documents will undoubtedly raise questions with regulatory authorities and cause delays while explanations are sought. In the event of an accident or incident, conflicting information may be a detriment to safety. Use of one shipping name with the appropriate identification number would solve these potential problems.

In view of the foregoing, APCI believes that paragraph 171.12a(c) must be amended to authorize use of TDC regulations for shipments of 2.3 and 2.4 gases from the United States to Canada.

Comments are invited regarding the desirability of amending § 171.12a(c) as requested by APCI. Information is also requested regarding the overall magnitude of the problems described by APCI and the seriousness of the "burdens" the present regulations impose.

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53, unless otherwise noted)

Issued in Washington, DC, on December 20, 1985.

**M. Cynthia Douglass,**  
*Administrator, Research and Special Programs Administration.*

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#### 49 CFR Part 173

[Docket No. HM-172B; Amdt. No. 173-194]

#### Cylinder Retester Identification Procedures; Delay of Effective Date

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

**ACTION:** Delay of effective date.

**SUMMARY:** RSPA published a final rule in the **Federal Register** on November 6, 1985, (50 FR 46054), under Docket HM-172B (FR Document 85-26499). The amendments concerned DOT's ability to provide safety oversight of cylinder retesting, and the implementation of procedures and requirements to identify persons who retest DOT cylinders. The final rule has an effective date of January 15, 1986. A petition has been received from the Cylinder Specification Committee of the Compressed Gas Association requesting that an additional 90 days be provided for the effective date of the rule so that special dies containing the individual retester's identification number may be obtained by the companies involved.

In consideration of foregoing, RSPA grants the petition and hereby extends the effective date of the final rule issued under Docket HM-172B, Amendment No. 173-194, to April 15, 1986.

**EFFECTIVE DATE:** April 15, 1986.

**FOR FURTHER INFORMATION CONTACT:** Marilyn Morris, Exemptions and Regulations Termination Branch, Standards Division, Office of Hazardous Materials Transportation, Washington, DC 20590 (202-426-2075).

Issued in Washington, DC, on December 20, 1985, under authority delegated in 49 CFR 1.53(b).

**M. Cynthia Douglass,**  
*Administrator, Research and Special Programs Administration.*

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#### INTERSTATE COMMERCE COMMISSION

##### 49 CFR Part 1039

[Ex Parte No. 387 (Sub-No. 958)]

#### Exemption From Regulation; Shipments Subsequently Made Subject to a Contract Rate

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Final rule and exemption.

**SUMMARY:** The Commission is amending its regulations at 49 CFR Part 1039 by adding new section 1039.19, which exempts the waiver of undercharges or payment of reparations representing the difference between tariff charges and a subsequent contract rate when: (1) A railroad and shipper have agreed to a contract; (2) the shipment moved before the contract was filed with the Commission; and (3) the contract was subsequently filed with the Commission and approved under 49 U.S.C. 10713.

**EFFECTIVE DATE:** January 27, 1986.

**FOR FURTHER INFORMATION CONTACT:** Louis E. Gitomer (202) 275-7245.

**SUPPLEMENTARY INFORMATION:** The text of the final rule follows as an appendix to this notice.

Additional information is contained in the Commission's full decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423, or call 289-4357 (DC Metropolitan area) or toll free (800) 424-5403.

This action will not have a significant economic impact on a substantial number of small entities, and will not significantly affect the quality of the human environment or energy conservation.

#### List of Subjects in 49 CFR Part 1039

Railroads, Contracts, Reparations; Undercharges, Exemptions.

**Authority:** 5 U.S.C. 553, 49 U.S.C. 10321, 10505, and 10713.

Decided: November 20, 1985.

By the Commission, Chairman Taylor, Vice Chairman Gradison, Commissioners Sterrett, Andre, Simmons, Lamboley and Strenio. Commissioner Strenio concurred with a separate expression. Commissioner Lamboley concurred in part and dissented in part with a separate expression. Chairman Taylor dissented in part with a separate expression. Commissioner Simmons dissented in part with a separate expression.

James H. Bayne,

*Secretary.*

#### Appendix A

##### PART 1039—[AMENDED]

Title 49 of the Code of Federal Regulations is amended as follows:

1. The authority citation for 49 CFR 1039 continues to read as follows:

**Authority:** 49 U.S.C. 10321, 10505, 10713, 10762 and 11105; 5 U.S.C. 553.

2. Paragraph 1039.2(e) is amended by revising the first sentence to read as follows:

##### § 1039.2 Contract implementation date.

\* \* \* \* \*

(e) Except as provided in § 1039.19, transportation or service may not begin under a contract or an amendment to a contract before the filing date of either the contract or the amendment, respectively.

3. By adding new § 1039.19 to read as follows: