

welder performance qualifications is not required;

(3) If an IM portable tank covered by an exemption cannot meet the appropriate requirements specified in paragraph (e)(1) of this section, the owner or manufacturer of the portable tank shall advise the Associate Director for HMR before September 1, 1981, giving the reasons why the necessary modification cannot be made. After reviewing this notification, the Associate Director for HMR may authorize the tank to be remarked (certified) as a DOT specification IM 101E * * * * or IM 102E, * * * * as applicable (with the asterisks replaced by the DOT exemption number).

§ 173.118a [Corrected]

3. In § 173.118a, paragraph "(b)(4)" is corrected to read, "(b)(5)."

4. In § 173.190, paragraph (b)(5) is added to read as follows:

§ 173.190 Phosphorus, white or yellow.

(b) * * *

(5) Specification IM 101 portable tanks (§§ 178.270, and 178.271 of this subchapter) are authorized under the conditions specified in the IM Tank Table. The material must be immersed in water or blanketed with an inert gas and be loaded at a temperature not exceeding 140°F. After unloading, the tank must be filled with an inert gas or water having a temperature not exceeding 140°F.

§ 173.266 [Corrected]

5. In § 173.266, paragraph (a)(3) is corrected by changing "70 percent" to read "60 percent."

§ 173.272 [Corrected]

6. In § 173.272, paragraph "(i)(29)" is corrected to read "(i)(30)."

7. In item number 25, the following paragraph references listed are corrected to read as follows:

"§ 173.263(a)(30)" is corrected to read

"§ 173.263(a)(31)"

"§ 173.264(a)(20)" is corrected to read

"§ 173.264(a)(21)"

"§ 173.270(a)(6)" is corrected to read

"§ 173.270(a)(3)"

"§ 173.271(a)(19)" is corrected to read

"§ 173.271(a)(20)"

"§ 173.290(a)(3)" is corrected to read

"§ 173.290(a)(4)"

"§ 173.294(a)(12)" is corrected to read

"§ 173.294(a)(4)"

8. In item number 25, "§§ 173.277(a)(9)", and "173.295(a)(13)" are added.

9. In item number 26, the following paragraph references are corrected as follows:

"§ 173.131(a)(2)" is corrected to read

"§ 173.131(a)(3)"

"§ 173.245(a)(35)" is corrected to read

"§ 173.245(a)(37)"

PART 176—CARRIAGE BY VESSEL

§ 176.76 [Amended]

10. In § 176.76, paragraph (g)(2) is removed.

PART 178—SHIPPING CONTAINER SPECIFICATIONS

11. Section 178.270-2 is corrected by revising paragraphs (e) and (f) to read as follows:

§ 178.270-2 General.

(e) When credit is taken for insulation to reduce the required emergency venting capacity of safety relief devices, the insulation must be jacketed or otherwise protected from the accumulation of moisture or foreign matter that would decrease its efficiency or corrode the tank.

(f) Each portable tank that has a lining must have a lining material that meets the following requirements:

§ 178.270-7 [Corrected]

12. In § 178.270-7, the word "or" in the last sentence is changed to "and."

13. Section 178.270-11 is corrected by revising the first sentence in paragraph (d)(1) and (d)(5) to read as follows:

§ 178.270-11 Pressure and vacuum relief devices.

(d) * * *

(1) *Pressure relief valves (spring-loaded)*. Each pressure relief valve must have a minimum vent capacity of at least 170 standard cubic meters per hour (SCMH) (6,000 standard cubic feet per hour (SCFH)).

(5) Insulation systems, used for the purpose of reducing the venting capacity, must be approved by the approval agency. In all cases, insulation systems approved for this purpose must:

§ 178.270-12 [Corrected]

14. In § 178.270-12, paragraph (b), fourth line from the top of page 9898, "to" is changed to read "of."

15. In § 178.270-13, the italicized subparagraph headings in (c) (1) and (2) the introductory sentence in paragraph (c)(1), are corrected to read as follows:

§ 178.270-13 Testing.

(c) * * *

(1) *Longitudinal inertia*. "The tank loaded to its maximum gross weight must be positioned with its longitudinal axis vertical." * * *

(2) *Lateral inertia*.

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53 and Appendix A to Part 1)

Note.—The Materials Transportation Bureau has determined that since these corrections do not impose additional requirements, this document will not result in a "major rule" under the terms of Executive Order 12291 and is not a significant regulation under DOT's regulatory policy and procedures (44 FR 11034), nor require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et seq.). A regulatory evaluation and an environmental assessment are available for review in the docket.

Issued in Washington, D.C., on April 23, 1981.

Alan I. Roberts,
Acting Director, Materials Transportation Bureau.

[FR Doc. 81-13099 Filed 4-29-81; 8:45 am]

BILLING CODE 4910-60-M

Research and Special Programs Administration, Materials Transportation Bureau

49 CFR Parts 172 and 175

[Docket No. HM-149C; Amdt. Nos. 172-67, 175-19]

Air Transportation of Limited Quantities of Radioactive Materials; Exemption Renewal

AGENCY: Materials Transportation Bureau, Research and Special Programs Administration, DOT.

ACTION: Final rule.

SUMMARY: The Materials Transportation Bureau (MTB) is renewing the exemption found in 49 CFR 172.204(c)(4), 175.10(a)(6), and 175.700(c) for air transport of limited quantities of materials exhibiting low levels of radiation. These materials do not present a significant hazard to passengers and crew on an aircraft. The effect of this action is to permit continued transportation by passenger-carrying aircraft of radioactive materials under existing restrictions.

EFFECTIVE DATE: May 3, 1981.

ADDRESS: Copies of supporting documents and the Draft Regulatory Evaluation and Environmental Assessment are available for inspection and reproduction at the following

address: Dockets Branch, Research and Special Programs Administration, U.S. Department of Transportation, Washington, D.C. 20590. The Dockets Branch is located in Room 8426 of the Nassif Building, 400 7th Street, S.W., Washington, D.C. 20590. Office hours are 8:30 a.m. to 5:00 p.m., Monday through Friday. Telephone (202) 426-3148.

FOR FURTHER INFORMATION CONTACT: Thomas G. Allan, Standards Division, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Washington, D.C. 20590. Telephone (202) 426-2075.

SUPPLEMENTARY INFORMATION: The MTB published a Notice of Proposed Exemption Renewal on April 9, 1981 (46 FR 21202) seeking public comment on the proposed renewal for two years of the exemption found at 49 CFR 172.204(c)(4), 175.10(a)(6) and 175.700(c) for air transportation of limited quantities of materials exhibiting low levels of radiation. The period for submitting comments ended on April 17, 1981, during which MTB received three comments concerning the proposal. All comments support the renewal of this exemption.

Conforming with Section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806) governing exemptions, the exemption in §§ 172.204(c)(4), 175.10(a)(6) and 175.700(c) is limited to a two-year life unless reexamined and renewed. The exemptions were last renewed under Docket HM-149B (44 FR 25238) published on April 30, 1979. The legal background and regulatory history of these exemptions are discussed in that amendment and the preceding notice of proposed rulemaking (44 FR 15748, March 15, 1979). The present exemption expires on May 3, 1981. The MTB is renewing the exemption on the finding that renewal is consistent with the public interest and safety.

In consideration of the foregoing, Parts 172 and 175 of Title 49, Code of Federal Regulations are amended as follows:

PART 172—HAZARDOUS MATERIALS TABLES AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS

1. In § 172.204, paragraph (c)(4) is revised to read as follows:

§ 172.204 Shipper's certification

* * * * *

(c) * * *

(4) *Radioactive material.* Each person who offers any radioactive material for transportation aboard a passenger-

carrying aircraft shall sign (mechanically or manually) a printed certificate stating that the shipment contains radioactive material intended for use in, or incident to, research, or medical diagnosis or treatment. Prior to May 3, 1983, this provision does not apply to materials meeting the requirements of § 173.391(a), (b), or (c) of this subchapter in effect on May 3, 1981.

* * * * *

PART 175—CARRIAGE BY AIRCRAFT

2. In § 175.10, paragraph (a)(6) is revised to read as follows:

§ 175.10 Exceptions.

(a) * * *

(6) Prior to May 3, 1983, radioactive materials which meet the requirements of § 173.391 (a), (b), or (c) of this subchapter in effect on May 3, 1981.

* * * * *

3. In § 175.700, paragraph (c) is revised to read as follows:

§ 175.700 Special limitations and requirements; radioactive materials packages in passenger-carrying aircraft.

* * * * *

(c) Except as provided in this paragraph, no person may carry aboard a passenger-carrying aircraft any radioactive material other than a radioactive material intended for use in, or incident to, research, or medical diagnosis or treatment. Prior to May 3, 1983, this prohibition does not apply to materials which meet the requirements of § 173.391 (a), (b), or (c) of this subchapter in effect on May 3, 1981.

Authority 49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53, Appendix A to Part 1, and paragraph (a)(4) of Appendix A to Part 106.

Note.—The Materials Transportation Bureau has determined that this regulation is not a major rule under the terms of Executive Order 12291 and does not require a Regulatory Impact Analysis, nor does it require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et seq.). A draft regulatory evaluation and environmental assessment is available for review in the Docket. Based on limited information available concerning size and nature of entities likely to be affected by these amendments, I certify that this amendment will not, as promulgated, have a significant economic impact on a substantial number of small entities. These amendments will not affect not-for-profit enterprises, or small governmental jurisdictions. Small businesses potentially affected include light manufacturing, air carriers, wholesale traders, health services, and research and development services. The total number of such small entities affected is likely to be less than 100,000. The economic impact on such small entities will be positive.

Issued in Washington, D.C. on April 24, 1981.

L. D. Santman,
Director, Materials Transportation Bureau.
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BILLING CODE 4310-60-M

49 CFR Part 174

[Docket No. HM-167; Amdt. No. 174-40A]

Intermodal Portable Tanks—“Trailer-on-Flatcar Service”

AGENCY: Materials Transportation Bureau (MTB), Research and Special Programs Administration, DOT.

ACTION: Final rule.

SUMMARY: The purpose of this final rule is to revise a regulation which prohibits the transportation of an IM 101 or IM 102 portable tank in trailer-on-flatcar (TOFC) service. The regulation, which prohibits TOFC rail service, was promulgated in a final rule issued under Docket HM-167, Intermodal Portable Tanks, published on January 29, 1981 (46 FR 9880). The effect of this final rule is to permit TOFC service under conditions specified by the Associate Administrator for Safety of the Federal Railroad Administration.

The Materials Transportation Bureau (MTB) believes that this revision to the final regulation governing TOFC service by rail (§ 174.63(d)(2)), is needed to allow the continuation of a needed service, and will impose no undue burden on persons affected by the regulations.

EFFECTIVE DATE: May 1, 1981.

FOR FURTHER INFORMATION CONTACT: Richard C. Barlow (202-755-4906), Office of Hazardous Materials Regulation, Materials Transportation Bureau, Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are 8:00 a.m. to 4:30 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: On January 29, 1981, the MTB published the final rule on Intermodal Portable Tanks under Docket HM-167 (46 FR 9880) which authorized the use of two new specification intermodal portable tanks. One of the principal commenters to the NPRM under Docket HM-167 was the AAR who submitted several comments concerning the design, test, and usage of IM portable tanks when carried in rail service. The AAR comments were discussed in the preamble to the final rule (46 FR 9881-9883).

The AAR took exception to the proposed authorization for the