§ 173.265 Fluosilicic acid (hydrofluorosilicic acid) (hydrofluosilicic acid).

* * * * *

(b) * * *

(4) Specification MC 310, MC 311, or MC 312 (§ 178.343 of this subchapter). Cargo tanks must be lined with rubber or equally acid-resistant material of equivalent strength and durability. Bottom outlets are authorized if they meet the requirements of § 178.343–5 of this subchapter.

* * * * *

15. In § 173.266, paragraphs (f)(1) and the first three sentences of (f)(2) are revised to read as follows:

§ 173.266 Hydrogen peroxide solution in water.

* * * * *

(f) * * *

(1) Specification 103A–ALW, 103CW, 111A60ALW2 or 111A60W7 (§ 179.200, 179.201 of this subchapter). Tank cars. The 103CW and 111A60W7 tank cars must be fabricated of Type 304L, 316, or 316L stainless steel. (See §§ 173.31(a)(4) and 179.3(e) for additional requirements).

* * * * *

(2) Specification MC 310 or MC 312 (§ 178.343 of this subchapter). Cargo tanks. Tanks must be fabricated of aluminum conforming to Aluminum Association Nos. 1060, 1260, 5254, or 5652. Specification MC 312 may be fabricated of Type 304L, 316 or 316L stainless steel. * * *

16. In § 173.272, paragraphs (i)(25) and (i)(28) are revised to read as follows:

§ 173.272 Sulfuric acid.

* * * * *

(i) * * *

(25) Specification MC 310, MC 311, or MC 312 (§ 178.343 of this subchapter). Cargo tanks must be lined with rubber or equally acid-resistant material of equivalent strength and durability. Bottom outlets are authorized if they meet the requirements of § 178.343–5 of this subchapter.

* * * * *

(28) Specification MC 310, MC 311, or MC 312 (§ 178.343 of this subchapter). Cargo tanks must be lined with rubber or equally acid-resistant material of equivalent strength and durability. Bottom outlets are authorized if they meet the requirements of § 178.343–5 of this subchapter. Not authorized for transportation by vessel.

* * * * *

17. In § 173.301, paragraph (d)(2) is revised to read as follows:

§ 173.301 General requirements for shipment of compressed gases in cylinders.

* * * * *

(d) * * *

(2) Manifolding is authorized for specification cylinders containing the following nonliquefied gases: boron trifluoride, carbon monoxide, ethylene, hydrogen, hydrocarbon gases, methane, nitrogen trifluoride, and tetrafluoroethylene, inhibited, except that aluminum cylinders are not authorized for boron trifluoride or nitrogen trifluoride service. Individual cylinders must be equipped with approved pressure relief devices as required by § 173.34(d) or § 173.315(i) of this Part. Each cylinder must be equipped with an individual shutoff valve that must be tightly closed while in transit. Manifold branch lines of these individual shutoff valves must be sufficiently flexible to prevent damage to the valves which otherwise might result from the use of rigid branch lines. A temperature measuring device may be inserted in one cylinder of a manifold installation in place of the shutoff valve.

* * * * *

18. In § 173.356, paragraph (a)(3) is renumbered (a)(4) and a new paragraph (a)(3) is added to read as follows:

§ 173.356 Thiophosgene.

(a) * * *

(3) Specification 5C (§ 178.83 of this subchapter). Steel barrels or drums made of Type 304 stainless steel.

* * * * *

PART 178—SHIPPING CONTAINER SPECIFICATIONS

§ 178.168–9 [Amended]

19. In § 178.168–9, Group 1 is amended by adding "Mediterranean pine" immediately following the entry "Jack pine".

§ 178.169–9 [Amended]

20. In § 178.169–9, Group 1 is amended by adding "Mediterranean pine" immediately following the entry "Jack pine".

PART 179—SPECIFICATIONS FOR TANK CARS

21. In § 179.101–1(a), Note 4 following the Table is revised to read as follows:

§ 179.101–1 Individual specification requirements.

(a) * * *

4 At least the upper two-thirds of the exterior of the tank manway nozzle and all appurtenances in contact with this area of the tank shall have a finish coat of white paint; except that tanks used for hydrogen fluoride may have a dark colored band not exceeding 14 feet wide around the center of the tank in the top platform and fitting area.

* * * * *

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

Issued in Washington, D.C. on March 19, 1985.

L. D. Santman,

Director, Materials Transportation Bureau

[FR Doc. 85–6846 Filed 3–22–85; 8:45 am]

BILLING CODE 4910–60–M

(5)

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 173

[Docket HM-139G; Amdt. Nos. 172-97, 173-187, 178-84, and 179-38]

Conversion of Individual Exemptions Into Regulations of General Applicability

Correction

In FR Doc. 85-6846 beginning on page 11700 in the issue of Monday, March 25, 1985, make the following corrections:

1. On page 11702, in the third column, in paragraph "4", in the first line and in the section heading "§ 178.100" should read "§ 173.100".

2. On page 11703, in the first column, in paragraph "5" in the first line and in the section heading "178.127" should read "§ 173.127".

3. On page 11703, in the first column, in paragraph "6", in the first line and in the section heading "§ 178.133" should read "§ 173.133".

BILLING CODE 1505-01-M

Technical Data Certification, Revision, and Withholding of Payment (April 1985)

(a) *Scope of clause.* This clause shall apply to all technical data (as defined in the Rights in Data—General clause included in this contract) that has been specified in this contract as being subject to this clause. It shall apply to all such data delivered, or required to be delivered, at any time during contract performance or within 3 years after acceptance of all items (other than technical data) delivered under this contract unless a different period is set forth herein. The Contracting Officer may release the Contractor from all or part of the requirements of this clause for specifically identified technical data items at any time during the period covered by this clause.

(b) *Technical data certification.* (1) All technical data that is subject to this clause shall be accompanied by the following certification upon delivery:

Technical Data Certification (April 1985)

The Contractor, ———, hereby certifies that the technical data delivered herewith under Government contract No. —— (and subcontract ——, if appropriate) is complete, accurate, and complies with the requirements of the contract concerning such technical data.

(End of certification)

(2) The Government shall rely on the above certification in accepting delivery of the technical data, and in consideration thereof may, at any time during the period covered by this clause, request correction of any deficiencies which, in its opinion, are not in compliance with contract requirements. Unauthorized markings on data shall not be considered a deficiency for the purpose of this clause, but will be treated in accordance with paragraph (e) of the Rights in Data—General clause included in this contract.

(c) *Technical data revision.* The Contractor also agrees, at the request of the Contracting Officer, to revise technical data that is subject to this clause to reflect engineering design changes made during the performance of this contract and affecting the form, fit, and function of any item (other than technical data) delivered under this contract. The Contractor will be compensated for any such revisions to the technical data made pursuant to this paragraph.

(d) *Withholding of payment.* (1) At any time before final payment under this contract the Contracting Officer may, in the Government's interest, withhold payment until a reserve not exceeding $50,000 or 5% of the amount of this contract, whichever is less, shall have been set aside if, in the Contracting Officer's opinion respecting any technical data that is subject to this clause, the Contractor fails to—

(i) Make timely delivery of such technical data as required by this contract;

(ii) Provide the certification required by subparagraph (b)(1) above;

(iii) Make the corrections required by subparagraph (b)(2) above; or

(iv) Make revisions requested under paragraph (c) above.

(2) Such reserve or balance shall be whthheld until the Contracting Officer has determined that the Contractor has delivered the data and/or has made the required corrections or revisions. Withholding shall not be made if the failure to make timely delivery, and/or the deficiencies relating to delivered data, arose out of causes beyond the control of the Contractor and without the fault or negligence of the Contractor.

(3) The Contracting Officer may decrease or increase the sums withheld up to the sums authorized above. The amount withheld under this paragraph shall be in addition to any withholding under any other terms of this contract. The withholding of any amount under this paragraph, or the subsequent payment thereof, shall not be construed as a waiver of any Government rights.

(End of clause)

1852.232-77 [Amended]

28. Section 1852.232-77, the introductory text, is revised by changing "1832.705-270(b) to "1832.705-270".

[FR Doc. 85-8047 Filed 4-3-85; 8:45 am]

BILLING CODE 1810-01-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 173

[Docket HM-139G; Amdt. Nos. 172-97, 173-187, 178-84, and 179-38]

Conversion of Individual Exemptions Into Regulations of General Applicability

Correction

In FR Doc. 85-6846 beginning on page 11700 in the issue of Monday, March 25, 1985, make the following correction:

§ 173.100 [Corrected]

On page 11702, third column, in § 178.100(ii), which was corrected to read § 173.100(ii) at 50 FR 12544, in the second line from the bottom, "of" should read "or".

BILLING CODE 1505-01-M

Federal Railroad Administration

49 CFR Part 215

[FRA Docket No. RSFC-6, Notice 11]

Railroad Freight Car Safety Standards

AGENCY: Federal Railroad Administration (FRA), DOT.

ACTION: Amendment of final rule.

SUMMARY: This document amends the final rule published on December 31, 1979 (44 FR 77328), which revised the Freight Car Safety Standards (49 CFR Part 215). It makes a technical correction to one section to eliminate confusion over the proper measurement of the extensiveness of discoloration found on freight car wheels due to an oxidation process that occurs after a wheel has been subjected to thermal abuse.

EFFECTIVE DATE: May 6, 1985.

FOR FURTHER INFORMATION CONTACT: Philip Olekszyk, Office of Safety, Federal Railroad Administration, Washington, D.C. 20590, telephone (202) 426-0897.

SUPPLEMENTARY INFORMATION: On June 22, 1984, FRA published in the Federal Register (49 FR 25845) a notice of proposed rulemaking (NPRM) to respond to a number of communications that it had received concerning the intent and appropriate interpretation of the language contained in § 215.103(h) of its Freight Car Safety Standards (49 CFR Part 215). This section prohibits a railroad from keeping a freight car in service if it has a defective wheel. Since a wheel that has been thermally abused presents a significant risk of sudden failure and consequent derailment, subsection (h) defines such wheels as defective when they show symptoms that have been associated with thermal abuse.

For the reasons detailed in the preamble to the NPRM, the existing language of this section, read literally, has a more restrictive effect than FRA intended. To eliminate the resulting confusion over this provision and to state the agency's intent more clearly, FRA proposed to amend § 215.103(h) to specify that: (i) Discoloration must be present on both faces of a freight car wheel, (ii) measurement can be made on either face, and (iii) measurements are to be made from the inner edge of the wheel rim.

Two commenters responded to the NPRM by urging that FRA correct the deficiencies in the existing rule and agreeing that FRA's proposed rule would improve the section. However, one commenter cautioned that if one face of the wheel is obscured by grime, grease, or environmental conditions present in some loading and unloading facilities, it may be difficult to observe both faces of the wheel. In supporting the change, both commenters agreed with FRA's technical analysis that oxidation discoloration from a sufficient heat input will occur on both sides of the wheel and supported FRA's proposal that its rule reflect this fact.

One commenter urged FRA to go well beyond the very limited scope of the present proposal. This commenter urged that FRA alter the criteria for suspected thermal abuse in several particulars and

Monday
February 26, 1990

Part II

Department of Transportation

Research and Special Programs Administration

49 CFR Parts 172 and 173

Air Bag Inflators and Modules for Passive Restraint Systems; Conversion of Individual Exemptions Into Regulations of General Applicability; Proposed Rule

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 172 and 173

[Docket No. HM-139H; Notice No. 90-3]

RIN 2137-AA44

Air Bag Inflators and Air Bag Modules for Passive Restraint Systems; Conversion of Individual Exemptions into Regulations of General Applicability

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

ACTION: Notice of proposed rulemaking.

SUMMARY: RSPA is proposing to amend the Hazardous Materials Regulations (HMR; 49 CFR parts 171–180) governing the transportation of air bag inflators and air bag modules, which are vehicular components in certain passive restraint systems. This proposal, based on a petition for rulemaking (P-1054) filed by the Motor Vehicle Manufacturers Association of the United States, Inc. (MVMA), would provide for transportation of these components under provisions contained in the HMR rather than under the exemption program. The intended effect of this action is to simplify transportation of these components by eliminating the need for exemptions, thus reducing processing costs, paperwork and time delays.

DATES: Comments must be received by April 12, 1990.

ADDRESSES: Address comments to Dockets Unit, Office of Hazardous Materials Transportation, Washington, DC 20590. Comments should be submitted, when possible, in five copies and should identify the docket. Persons wishing to receive confirmation of receipt of their comments should include a self-addressed stamped postcard. The Dockets Unit is located in room 8421 of the Nassif Building, 400 Seventh Street SW., Washington, DC 20590. Office hours are 8:30 a.m. to 5 p.m., Monday through Friday, except public holidays.

FOR FURTHER INFORMATION CONTACT: Charles Schultz, (202) 366–4545, Technical Division; or Hattie L. Mitchell, (202) 366–4488, Standards Division, Office of Hazardous Materials Transportation, Research and Special Programs Administration, U.S. Department of Transportation, Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

I. Background

An air bag module is a complete assembly, consisting of an inflatable air bag and an inflator. This assembly is part of a passive restraint system mounted in the steering wheel or glove compartment of an automobile and is activated when the vehicle is subjected to a predetermined level of impact. The air bag inflator has three major components; namely, a main gas generant, a booster material and an igniter. The booster material and gas generant are typically class B propellant explosives. The igniter is typically a class C explosive.

Under the requirements in the HMR, an air bag inflator or an air bag module is described and classed as an explosive power device, class C or B, depending on its size. Except as specifically provided in § 173.86, the HMR require that all new explosives be examined and assigned a recommended shipping description and hazard class by the Department of the Interior's Bureau of Mines (BOM) or the Association of American Railroads' Bureau of Explosives (BOE), prior to their being classed and approved for transportation by the Director, Office of Hazardous Materials Transportation (OHMT). A "new explosive," as defined in § 173.86(a)(2), means an explosive compound, mixture or device, produced by a person who (1) has not previously produced that explosive compound, mixture or device; or (2) has previously produced the explosive compound, mixture or device but has made a change in the formulation, design, process or production equipment.

Under the terms of an exemption, air bag inflators and air bag modules may be classed as flammable solids for transportation in the United States when the complete package has been examined for that hazard class by the BOE or BOM and approved by the Director, OHMT. Exemption of these devices is based on extensive testing performed on air bag inflators and modules; i.e., bonfire test, initiation of the devices, etc. Since 1968, RSPA has issued five exemptions authorizing the transportation of air bag inflators and modules as flammable solids. These exemptions are DOT-E 8214, E 8236, E 8273, E 9066, and E 10086. All transportation of these devices as flammable solids in the United States are under exemption. RSPA issued another exemption, DOT-E 10103, which authorizes transportation of certain air bag modules, installed in automobile steering assemblies and packaged in accordance with the terms and conditions prescribed in the exemption, without being subject to the other requirements of the HMR. No incidents have been reported to RSPA involving transportation of these devices under the subject exemptions.

The MVMA has petitioned RSPA to amend the HMR to provide relief from the constraints of the DOT exemption process, and partial relief from the approval process for transportation of air bag inflators and modules. The MVMA petition requests that RSPA: (1) Add an entry of "Air bag module *or* air bag inflator assembly" in the Hazardous Materials Table, in § 172.101, with a corresponding hazard class of flammable solid; (2) Remove the requirement that sodium azide-based air bag modules and inflator assemblies must be examined by the BOE or BOM as a "new" explosive for each package modification, and; (3) Add requirements to allow air bag modules and inflators to be packaged in bulk quantities and be transported in all modes.

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55FR-6730

construct modules and inflators ..... exceptional reliability in handling and shipping.

The sodium azide-based technology used today, is basically the same as that developed in the late 1960s and 1970s; however, enhancements have increased the safety and reliability of the inflators and modules. Improvements in the air bag systems have all but eliminated the potential of inadvertent deployment due to electromagnetic or radio frequency interference. When inflator housings began to be made of aluminum, an autoignition capability was added to improve safety in case of fire.

Since the earliest development programs, many tests have been conducted and documented to improve and ensure the safety of the inflators and air bag modules, both installed in vehicles and as unassembled devices being handled and transported. The inflator/module is required to undergo strict design and construction validation tests as specified by the individual motor vehicle manufacturers and/or inflator manufacturers. These tests include various combinations of high and low temperature conditioning; high humidity soaks; vibration and shock (drop) treatment and high altitude simulations. These are nondestructive tests, designed to provide extreme conditioning without deployment or loss of structural integrity. Upon subsequent deployment, the conditioned hardware is expected to demonstrate performance to clearly defined