

DEPARTMENT OF TRANSPORTATION**Research and Special Programs Administration**

49 CFR Parts 106, 107, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180

[Docket HM-189M; Amdt. Nos. 106-13, 107-39, 171-148, 172-149, 173-256, 174-83, 175-84, 176-41, 177-88, 178-118, 179-53, 180-10]

RIN 2137-AC 93

Hazardous Materials Regulations; Editorial Corrections and Clarifications

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

ACTION: Final rule.

SUMMARY: This final rule corrects editorial errors, makes minor regulatory changes, and in response to requests for clarification, improves the clarity of certain provisions to the Hazardous Materials Regulations (HMR). The intended effect of this rule is to enhance the accuracy and reduce misunderstandings of the HMR. The amendments contained in this rule are minor editorial changes and do not impose new requirements.

DATES: *Effective date.* The effective date is October 1, 1996.

Incorporation by reference date. The incorporation by reference of the publication listed in these amendments has been approved by the Director of the Federal Register to be effective on October 1, 1996.

FOR FURTHER INFORMATION CONTACT: Joan McIntyre, Office of Hazardous Materials Standards, (202) 366-8553, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590-0001.

SUPPLEMENTARY INFORMATION:**Background**

RSPA annually reviews the Hazardous Materials Regulations (HMR) to identify errors which may be causing confusion to readers. Inaccuracies corrected in this final rule include typographical errors, incorrect references to other rules and regulations in the CFR, inconsistent use of terminology, and misstatements of certain regulatory requirements. In response to inquiries RSPA received concerning the clarity of particular requirements specified in the HMR, certain other changes are made to reduce uncertainties.

Because these amendments do not impose new requirements, notice and public procedure are unnecessary. In

addition, making these amendments effective without the customary 30-day delay following publication will allow the changes to appear in the next revision of 49 CFR.

The following is a section-by-section summary of the amendments made under this final rule. It does not discuss editorial corrections (e.g., typographical, capitalization and punctuation errors), changes to legal citations and certain other minor adjustments to enhance the clarity of the HMR.

Section-by-Section Review**Part 106**

Several editorial changes are made to part 106. The words "he" or "his" have either been replaced or changed to "he or she" or "his or hers." Because the pipeline rulemaking procedures were incorporated in 49 CFR Part 190, (see final rule entitled "Pipeline Safety Rulemaking Procedures," Docket RSP-2, published in the Federal Register of September 27, 1996), reference to the pipeline safety office is removed. Part 106 now applies primarily to the Hazardous Materials Safety Program. The definition of "Administrator" is changed to include his or her delegate. Some of these changes are provisions that were recently amended under Docket RSP-1 (61 FR 30175, June 14, 1996).

Part 107**Section 107.502**

Paragraph (f), containing a grandfather provision that allows persons to register as Design Certifying Engineers (DCEs) and Registered Inspectors (RIs) before December 31, 1995, is removed. The definitions for DCEs and RIs, in § 171.8, are revised in this final rule to recognize those persons eligible to register under the grandfather provision.

Section 107.503

Paragraph (b) introductory text is revised to remove an inference that an assembler must have an American Society of Mechanical Engineers (ASME) Certificate of Authorization for use of the "U" stamp. In addition, paragraph (b)(1), containing a provision that has expired, and paragraph (b)(2), containing a reference to an assembler, are removed. Current § 107.502 prescribes that "assembly" must involve no welding on the cargo tank wall.

Part 171**Section 171.4**

Paragraph (d), containing a transitional provision that has expired, is removed.

Section 171.7

In paragraph (a)(3), the table of material incorporated by reference is revised to include the Truck Trailer Manufacturers Association's publication, TTMA RP No. 61-94, "Performance of Manhole and/or Fill Opening Assemblies on MC 306 and DOT 406 Cargo Tanks", which is referenced in § 180.405(g)(2)(i).

Section 171.8

Definitions for "Design Certifying Engineer" and "Registered Inspector" are revised to recognize those persons eligible to register by December 31, 1995, under an expired grandfather provision.

Part 172

RSPA is removing the Identification Number Cross Reference Index to Proper Shipping Names following the part 172 table of headings. The index is available as a separate handout from RSPA's Docket Unit, U.S. Department of Transportation, Room 8421, Washington, DC 20590-0001, telephone (202) 366-5046.

Section 172.101

The Hazardous Materials Table is amended as follows:

The entries "Boron trichloride," "Carbonyl sulfide," "Chlorine trifluoride," "Ethylene oxide or Ethylene oxide with nitrogen up to a total pressure of 1MPa (10 bar) at 50 degrees C.," "Germane," "Hydrogen iodide, anhydrous," "Methyl mercaptan," "Nitric oxide," and "Nitric oxide and dinitrogen tetroxide mixtures or Nitric oxide and nitrogen dioxide mixtures," "Perchloryl fluoride," "Silicon tetrafluoride," "Trifluoroacetyl chloride," and "Trifluorochloroethylene, inhibited, R1113" are corrected by removing Special Provision "25" in Column (7). Special Provision "25" was removed in a rulemaking action under HM-215A (59 FR 67485), published December 29, 1994, in a provision to delay more stringent packaging requirements for certain poisonous gases.

The entry "Thionyl chloride" is corrected to remove Special Provision "T42", which was removed in a rulemaking action under HM-189L (60 FR 49110), published September 21, 1995. Through a printing error, this entry was not removed from the CFR.

The entry "Organochlorine pesticides, liquid, toxic, flammable, flashpoint not less than 23 degrees C." is corrected by adding Packing Group III which was inadvertently removed through a printing error.

Section 172.102

In paragraph (c)(1), Special Provision 115 is revised to update the wording "detonating primers" for consistency with the § 172.101 Hazardous Materials Table entries. In paragraph (c)(3), Special Provisions B30 and B32 are amended by removing the acronym "ASA."

Part 173

Section 173.7

In paragraph (a), the first sentence is editorially revised to clarify the packaging requirements for U.S. Government material.

Section 173.31

Paragraph (a)(6)(i) is removed because it is duplicative with § 173.31(c), which also authorizes the use of a tank car with a tank test pressure higher than the regulatory minimum. Paragraphs (a)(6)(ii) through (v), are redesignated (i) through (iv) respectively. In addition, in newly redesignated paragraphs (a)(6)(i) through (iv), the word "specification" is removed each place it appears for consistency with changes made under other rulemakings to reference the tank car "class" in place of the "specification". Paragraph (b)(5) is revised to clarify that the tank car must have bottom discontinuity protection. In paragraph (c)(3), a reference to see § 173.31(e)(2)(ii) (see HM-175A/201, 61 FR 33255, June 26, 1996) for compliance dates is added. In paragraph (d)(1)(vii), the wording "frangible disc" is revised to read "rupture disc" for consistency with the wording used elsewhere in the HMR.

Section 173.224

Paragraphs (c)(1) and (c)(2) are revised to reflect the correct reference, "§ 173.124(a)(2)(iii)."

Section 173.225

Paragraph (e)(1) is amended by removing references to the individual tank car *specifications* and adding references to the authorized tank car *classes*. Also, it permits use of higher integrity 120A tank cars. These revisions are made for consistency with changes made under other rulemakings.

Section 173.306

Paragraph (b)(3) is editorially revised to clarify that the container may be filled with a solution that is a Division 6.1, PG III material.

Section 173.315

In paragraphs (e) and (i)(3), a reference to paragraph "(a)(1)" is corrected to read "(a)."

Part 174

Section 174.83

Paragraph (b) is revised to clarify that any Class DOT 113 tank car, displaying a Division 2.1 material placard, even when empty, may not be cut off while in motion. This revision is consistent with the requirements that these tank cars may not be humped or cut off. See the requirements for empty packagings in § 173.29, design of tank cars in § 179.400-13, shipping papers in § 172.203(g)(2), and tank car markings in § 179.400-25(d).

Section 174.85

In § 174.85, in the paragraph (d) table, the restriction numbers "3", "4" and "5" are editorially revised for clarity. In restriction "5," the wording "temperature control equipment" is removed to clarify that this restriction applies only to internal combustion engines and open-flame devices (e.g., lighted heaters or stoves) in operation.

Section 174.101

In paragraph (h), the terminology for detonating primers is editorially revised.

Part 175

Section 175.320

In the paragraph (a) table, the terminology for detonating primers is editorially revised.

Part 176

Section 176.194

In paragraphs (c) and (e), the terminology for detonating primers is editorially revised.

Section 176.340

Several editorial revisions are made to this section to remove obsolete section references.

Part 177

Section 177.835

In paragraph (g) introductory text for Class 1 (explosive) materials, the terminology for detonating primers is editorially revised.

Part 178

Section 178.320

The definition for "Manufacturer" is revised to clarify that this term does not include persons (assemblers) who attach a cargo tank to a motor vehicle, or to a motor vehicle component if it involves no welding on the cargo tank wall.

Section 178.345-2

In paragraph (a)(1), for cargo tanks constructed in accordance with the

ASME Code, "ASTM A 622" steel is added as an authorized material of construction for heads. This steel has been used successfully under DOT exemption E-11499 for manufacture of cargo tank heads. It has excellent ductile properties and strength and providing for its use under provisions of general applicability offers minor savings to industry.

Section 178.345-7

In paragraph (d)(2), the table column heading "W¹", the variable "W" in the second line, third column and the variable "W" following the table are redesignated as "J¹", "J" and "J¹", respectively. These changes eliminate confusion caused by having two "W" variables with different meanings within the same section. The variable "W" in paragraph (d)(1) is not changed.

Part 179

Section 179.103-5

The first two sentences in paragraph (a)(1) are removed. They were removed under HM-175A/201 (60 FR 49077, Sept. 21, 1995), but not removed in the 49 CFR printing.

Section 179.300-7

The first sentence in paragraph (a) is amended by removing the phrase "having heads fusion welded to the tank shell" for consistency with changes adopted under HM-216 (61 FR 28682, June 5, 1996; 61 FR 50255, Sept. 25, 1996).

Part 178 and Part 180 Miscellaneous Changes

The words "cargo tank," "cargo tank motor vehicle," and "tank"; "pressure test" and "pressure retest"; "leak test" and "leakage test" are corrected to ensure the accuracy of their use throughout the HMR.

Rulemaking Analyses and Notices

Executive Order 12866 and DOT Regulatory Policies and Procedures

This final rule is not considered a significant regulatory action under section 3(f) of Executive Order 12866 and, therefore, was not subject to review by the Office of Management and Budget. This rule is not significant according to the Regulatory Policies and Procedures of the Department of Transportation (44 FR 11034). Because of the minimal economic impact of this rule, preparation of a regulatory impact analysis or a regulatory evaluation is not warranted.

Executive Order 12612

This final rule has been analyzed in accordance with the principles and criteria in Executive Order 12612 ("Federalism") and does not have sufficient federalism impacts to warrant the preparation of a federalism assessment.

Regulatory Flexibility Act

I certify that this final rule will not have a significant economic impact on a substantial number of small entities. This rule makes minor editorial changes which will not impose any new requirements on persons subject to the HMR; thus, there are no direct or indirect adverse economic impacts for small units of government, businesses or other organizations.

Paperwork Reduction Act

There are no new information collection requirements in this final rule.

List of Subjects

49 CFR Part 106

Administrative practice and procedure, Hazardous materials transportation, Oil.

49 CFR Part 107

Administrative practice and procedure, Hazardous materials transportation, Packaging and containers, Penalties, Reporting and recordkeeping requirements.

49 CFR Part 171

Exports, Hazardous materials transportation, Hazardous waste, Incorporation by reference, Imports, Reporting and recordkeeping requirements.

49 CFR Part 172

Hazardous materials transportation, Hazardous waste, Labeling, Markings, Packaging and containers, Reporting and recordkeeping requirements.

49 CFR Part 173

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

49 CFR Part 174

Hazardous materials transportation, Radioactive materials, Railroad safety.

49 CFR Part 175

Air carriers, Hazardous materials transportation, Radioactive materials, Reporting and recordkeeping requirements.

49 CFR Part 176

Hazardous materials transportation, Maritime carriers, Radioactive materials, Reporting and recordkeeping requirements.

49 CFR Part 177

Hazardous materials transportation, Motor carriers, Radioactive materials, Reporting and recordkeeping requirements.

49 CFR Part 178

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

49 CFR Part 179

Hazardous materials transportation, Railroad safety, 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, 49 CFR Chapter I is amended as follows:

PART 106—RULEMAKING PROCEDURES

1. The authority citation for part 106 continues to read as follows:

Authority: 49 U.S.C. 5101–5127, 49 CFR 1.53.

§ 106.1 [Amended]

2. In § 106.1, the wording "Hazardous Materials Safety Program" is added immediately before "regulations of the Research and Special Programs Administration of the Department of Transportation".

3. Section 106.3 is revised to read as follows:

§ 106.3 Delegations.

For the purposes of this part, "Administrator" means the Administrator, Research and Special Programs Administration, or his or her delegate.

4. Section 106.13 is revised to read as follows:

§ 106.13 Initiation of rulemaking.

The Administrator initiates rulemaking on his or her own motion; however, in so doing, the Administrator may use discretion to consider the recommendations of other agencies of the United States or of other interested persons, including those of any technical advisory body established by statute for that purpose.

§ 106.17 [Amended]

5. In § 106.17, in paragraph (b), the wording "In his discretion, the Administrator" is removed and "The Administrator" is added in its place.

6. Section 106.21 is revised to read as follows:

§ 106.21 Contents of written comments.

All written comments must be in English. It is requested, but not required, that five copies be submitted. Any interested person should submit as part of written comments all material considered relevant to any statement of fact. Incorporation of material by reference should be avoided; however, where necessary, such incorporated material shall be identified by document title and page.

§ 106.25 [Amended]

7. In § 106.25, the following changes are made:

a. In the first sentence, the word "he" is removed and "the Administrator" is added in its place.

b. In the second sentence, the word "his" is removed and "the Administrator's" is added in its place.

§ 106.27 [Amended]

8. In § 106.27, in paragraph (c), in the second sentence, the word "his" is removed and "his or her" is added in its place.

§ 106.29 [Amended]

9. In § 106.29, the following changes are made:

a. In the first sentence, the wording "the office concerned" is removed and "the Office of Hazardous Materials Safety" is added in its place.

b. In the second sentence, the word "his" is removed.

§ 106.31 [Amended]

10. In § 106.31, paragraphs (a), (c) introductory text and (d) are amended by adding the wording "for Hazardous Materials Safety" immediately following "Associate Administrator".

11. In § 106.33, paragraphs (b), (c), and (d) are revised to read as follows:

§ 106.33 Processing of petition.

* * * * *

(b) *Grants.* If the Associate Administrator or the Chief Counsel determines that the petition contains adequate justification, he or she initiates rulemaking action under this subpart.

(c) *Denials.* If the Associate Administrator or the Chief Counsel determines that the petition does not justify rulemaking, the petition is denied.

(d) *Notification.* The Associate Administrator or the Chief Counsel will

notify a petitioner, in writing, of the decision to grant or deny a petition for rulemaking.

§ 106.35 [Amended]

12. In § 106.35, in paragraph (b), the word "he" is removed and "the petitioner" is added in its place.

13. In § 106.37, paragraph (a) is revised to read as follows:

§ 106.37 Proceedings on petitions for reconsideration.

(a) The Associate Administrator or the Chief Counsel may grant or deny, in whole or in part, any petition for reconsideration without further proceedings, except where a grant of the petition would result in issuance of a new final rule. In the event that the Associate Administrator or the Chief Counsel determines to reconsider any regulation, a final decision on reconsideration may be issued without further proceedings, or an opportunity to submit comment or information and data as deemed appropriate may be provided. Whenever the Associate Administrator or the Chief Counsel determines that a petition should be granted or denied, the Office of the Chief Counsel prepares a notice of the grant or denial of a petition for reconsideration, for issuance to the petitioner, and the Associate Administrator or the Chief Counsel issues it to the petitioner. The Associate Administrator or the Chief Counsel may consolidate petitions relating to the same rules.

* * * * *

PART 107—HAZARDOUS MATERIALS PROGRAM PROCEDURES

14. The authority citation for part 107 continues to read as follows:

Authority: 49 U.S.C. 5101–5127, 44701, 49 CFR 1.45, 1.53.

§ 107.202 [Amended]

15. In § 107.202, in paragraph (d), the word "Editorial" is removed and "Editorial" is added in its place.

§ 107.502 [Amended]

16. In § 107.502, paragraph (f) is removed.

§ 107.503 [Amended]

17. In § 107.503, the following changes are made:

a. In paragraph (b) introductory text, the wording "who manufactures or

assembles a cargo tank" is removed and "who manufactures a cargo tank" is added in its place.

b. Paragraphs (b)(1) and (b)(2) are removed.

§ 107.601 [Amended]

18. In § 107.601, in paragraph (c), the wording "that meets a criteria for" is removed and "that meets the criteria for" is added in its place.

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

19. The authority citation for part 171 continues to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

§ 171.4 [Amended]

20. In § 171.4, paragraph (d) is removed.

21. In the § 171.7(a)(3) Table, under Truck Trailer Manufacturers Association, a new entry is added in alphanumeric order to read as follows:

§ 171.7 Reference material.

(a) * * *

(3) *Table of material incorporated by reference.* * * *

Source and name of material	49 CFR reference
* * * *	*
<i>Truck Trailer Manufacturers Association</i>	
* * * *	*
TTMA RP No. 61–94, Performance of Manhole and/or Fill Opening Assemblies on MC 306 and DOT 406 Cargo Tanks, December 28, 1994 Edition.	180.405
* * * *	*

22. In § 171.8, the following definitions are revised to read as follows:

§ 171.8 Definitions and abbreviations.

* * * * *

Design Certifying Engineer means a person registered with the Department in accordance with subpart F of part 107 of this chapter who has the knowledge and ability to perform stress analysis of pressure vessels and to otherwise determine whether a cargo tank design and construction meets the applicable

DOT specification. In addition, Design Certifying Engineer means a person who meets, at a minimum, any one of the following:

(1) Has an engineering degree and one year of work experience in cargo tank structural or mechanical design.

(2) Is currently registered as a professional engineer by the appropriate authority of a State of the United States or a Province of Canada.

(3) Has at least three years experience in performing the duties of a Design Certifying Engineer by September 1, 1991, and was registered with the Department by December 31, 1995.

* * * * *

Registered Inspector means a person registered with the Department in accordance with subpart F of part 107 of this chapter who has the knowledge and ability to determine whether a cargo tank conforms with the applicable DOT specification. In addition, Registered Inspector means a person who meets, at a minimum, any one of the following:

(1) Has an engineering degree and one year of work experience.

(2) Has an associate degree in engineering and two years of work experience.

(3) Has a high school diploma or General Equivalency Diploma and three years of work experience.

(4) Has at least three years experience in performing the duties of a Registered Inspector by September 1, 1991, and was registered with the Department by December 31, 1995.

* * * * *

PART 172—HAZARDOUS MATERIALS TABLE, SPECIAL PROVISIONS, HAZARDOUS MATERIALS COMMUNICATIONS, EMERGENCY RESPONSE INFORMATION, AND TRAINING REQUIREMENTS

23. The authority citation for part 172 continues to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

24. In § 172.101, the Hazardous Materials Table is amended by adding the following entry, in appropriate alphabetical order, to read as follows:

§ 172.101 Purpose and use of hazardous materials table.

* * * * *

§ 172.101 HAZARDOUS MATERIALS TABLE

Sym- bols	Hazardous materials descrip- tions and proper shipping names	Hazard class or division	Identi- fication num- bers	PG	Label codes	Special pro- visions	(8) Packaging (§ 173.***)			(9) Quantity limi- tations		(10) Vessel stowage	
							Ex- cep- tions	Non- bulk	Bulk	Pas- sen- ger air- craft/ rail	Cargo aircraft only	Lo- ca- tion	Other
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8A)	(8B)	(8C)	(9A)	(9B)	(10A)	(10B)
*	*	*	*	*	*	*	*	*	*	*	*	*	*
	Organochlorine pesticides, liq- uid, toxic, flammable, <i>flashpoint not less than 23 degrees C.</i> [ADD]	6.1	UN2995	***	***	***	***	***	***	***	***	***	***
			III	6.1	B1, T14	153	203	242	60 L	220 L	A	40
*	*	*	*	*	*	*	*	*	*	*	*	*	*

§ 172.101 [Amended]

25. In addition, in § 172.101, the following changes are made to the Hazardous Materials Table:

a. In column (7), the reference “25,” is removed for the entries “Boron trichloride”, “Carbonyl sulfide”, “Chlorine trifluoride”, “Hydrogen iodide, anhydrous”, “Methyl mercaptan”, “Nitric oxide”, and “Nitric oxide and dinitrogen tetroxide mixtures or Nitric oxide and nitrogen dioxide mixtures”, “Perchloryl fluoride”, “Trifluoroacetyl chloride”, and “Trifluorochloroethylene, inhibited, R1113”.

b. In column (7), the reference “25” is removed for the entries “Ethylene oxide or Ethylene oxide with nitrogen up to a total pressure of 1MPa (10 bar) at 50 degrees C.”, “Germane”, and “Silicon tetrafluoride”.

c. In column (7), the reference “T42,” is removed for the entry “Thionyl chloride”.

§ 172.102 [Amended]

26. In § 172.102, the followings changes are made:

a. In paragraph (c)(1), for Special Provision 115, the wording “detonator (detonating primers)” is removed and “detonator, detonator assemblies and boosters with detonators” is added in its place.

b. In paragraph (c)(3), for Special Provisions B30 and B32, in paragraph d., the acronym “ASA” is removed.

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

27. The authority citation for part 173 continues to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

28. In § 173.7, in paragraph (a) introductory text, the first sentence is revised to read as follows:

§ 173.7 U.S. Government material.

(a) Hazardous materials offered for transportation by, for, or to the Department of Defense (DOD) of the U.S. Government, including commercial shipments pursuant to a DOD contract, must be packaged in accordance with the regulations in this subchapter or in packagings of equal or greater strength and efficiency as certified by DOD in accordance with the procedures prescribed by “Performance Oriented Packaging of Hazardous Material, DLAR 4145.41/AR 700–143/AFR 71–5/ NAVSUPINST 4030.55/MCO 4030.40.” * * * *

§ 173.31 [Amended]

29. In § 173.31, the following changes are made:

a. Paragraph (a)(6)(i) is removed.

b. Paragraph (a)(6) (ii), (iii), (iv) and (v) are redesignated as paragraphs (a)(6) (i), (ii), (iii) and (iv), respectively.

c. In newly redesignated paragraphs (a)(6)(i) through (a)(6)(iv), the word “specification” is removed each place it appears.

d. In paragraph (b)(5), in the first sentence, the wording “tank car unless” is removed and “tank car with bottom discontinuity protection unless” is added in its place.

e. In paragraph (c)(3), the wording “(see § 173.31(e)(2)(ii) for compliance dates)” is added after the word “inhalation”.

f. In paragraph (d)(1)(vii), the wording “frangible disc” is removed and “rupture disc” is added in its place.

§ 173.189 [Amended]

30. In § 173.189, in paragraph (b), in the last sentence, the specification “4C,” is removed and “4C1, 4C2,” is added in its place.

§ 173.224 [Amended]

31. In § 173.224, in paragraphs (c)(1) and (c)(2), the reference “§ 173.124(a)(2)(vii)” is removed and “§ 173.124(a)(2)(iii)” is added each place it appears.

§ 173.225 [Amended]

32. In § 173.225, in paragraph (e)(1), in the first sentence, the wording “DOT 103W, 103AW, 111A60F1, 111A60W1, 111A100F2, and 111A100W2 tank car tanks” is removed and “Class DOT 103, 104, 105, 109, 111, 112, 114, 115, or 120 fusion-weld tank car tank” is added in its place.

§ 173.300a [Amended]

33. In § 173.300a, in paragraph (c), the word “Director” is removed and “Associate Administrator or his or her representative” is added in its place.

34. In § 173.306, in paragraph (b)(3), the first sentence is revised to read as follows:

§ 173.306 Limited quantities of compressed gases.

* * * *

(b) * * *

(3) Nonrefillable metal containers charged with a Division 6.1 Packing Group III or nonflammable solution containing biological products or a medical preparation which could be

deteriorated by heat, and compressed gas or gases. * * *

§ 173.315 [Amended]

35. In § 173.315, in paragraphs (e) and (i)(3), the reference “(a)(1)” is removed and “(a)” is added in its place.

PART 174—CARRIAGE BY RAIL

36. The authority citation for part 174 continues to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

§ 174.81 [Amended]

37. In § 174.81, in paragraph (g) introductory text, the wording “for Class I” is removed and “for Class 1” is added in its place.

§ 174.83 [Amended]

38. In § 174.83, in paragraph (b) introductory text, the wording “or any Class DOT–113 tank car placarded for a Division 2.1 flammable gas may not be:” is removed and “or a Class DOT 113 tank car displaying a Division 2.1 (flammable gas) placard, including a Class DOT 113 tank car containing only a residue of a Division 2.1 material, may not be:” is added in its place.

§ 174.85 [Amended]

39. In § 174.85, in the paragraph (d) table, the following changes are made:

a. In the first column, the text of restriction number “3” is revised to read as follows: “A placarded car may not be placed next to an open-top car when any of the lading in the open top car protrudes beyond the car ends, or if the lading shifted, would protrude beyond the car ends.”.

b. In the first column, the first sentence of restriction number “4” is revised to read as follows: “A placarded car may not be placed next to a loaded flat car, except closed TOFC/COFC equipment, auto carriers, and other specially equipped cars with tie-down devices for securing vehicles.”.

c. In the first column, the text of restriction number “5” is revised to read as follows: “A placarded car may not be placed next to any transport vehicle or freight container having an internal combustion engine or an open-flame device in operation.”.

§ 174.101 [Amended]

40. In § 174.101, the following changes are made:

a. In paragraph (h), in the first sentence, the wording “detonators or detonating primers” is removed and “detonators, detonator assemblies, or boosters with detonators” is added in its place.

b. In paragraph (o) introductory text, in the first sentence, the wording “on a flatcar car” is removed and “on a flatcar” is added in its place.

§ 174.112 [Amended]

41. In § 174.112, in paragraph (b), in the second sentence, the reference “§ 174.104(c)–(f)” is removed and “§ 174.104 (c) through (f)” is added in its place.

PART 175—CARRIAGE BY AIRCRAFT

42. The authority citation for part 175 continues to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

§ 175.320 [Amended]

43. In § 175.320, in the paragraph (a) table, in the first column, for the first two entries, the wording “Detonators and detonating primers” is removed and “Detonators, detonator assemblies and boosters with detonators” is added each place it appears.

PART 176—CARRIAGE BY VESSEL

44. The authority citation for part 176 continues to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

§ 176.194 [Amended]

45. In § 176.194, the following changes are made:

a. In paragraph (c), in the last sentence, the wording “Detonators, Division 1.1 (Class A explosive), and detonating primers, Division 1.1 (Class A explosive)” is removed and “Detonators, detonator assemblies and boosters with detonators, Division 1.1 (Class A explosive)” is added in its place.

b. In paragraph (e), in the last sentence, the wording “Detonators and detonating primers” is removed and “Detonators, detonator assemblies and boosters with detonators” is added in its place.

§ 176.340 [Amended]

46. In § 176.340, the following changes are made:

a. In paragraph (b)(1), the wording “§§ 178.251 and 178.253 of this subchapter,” is removed and “a DOT specification 57 portable tank,” is added in its place.

b. In paragraph (b)(3), the wording “in § 178.253–5 of this subchapter” is removed.

c. In paragraph (b)(4), the wording “Table III in § 178.341–4” is removed and “Table I in § 178.345–10” is added in its place.

d. In paragraph (b)(5), the wording “marking required by § 178.251–7 of

this subchapter,” is removed and “marking,” is added in its place.

PART 177—CARRIAGE BY PUBLIC HIGHWAY

47. The authority citation for part 177 continues to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

48. In § 177.835, paragraph (g) introductory text is revised to read as follows:

§ 177.835 Class 1 (explosive) materials.

* * * * *

(g) No detonator assembly or booster with detonator may be transported on the same motor vehicle with any Division 1.1, 1.2 or 1.3 (Class A or Class B explosive) material (except other detonator assemblies, boosters with detonators or detonators), explosives for blasting or detonating cord Division 1.4 (Class C explosive) material. No detonator may be transported on the same motor vehicle with any Division 1.1, 1.2 or 1.3 (Class A or Class B explosive) material (except other detonators, detonator assemblies or boosters with detonators), explosives for blasting or detonating cord, Division 1.4 (Class C explosive) material unless—

* * * * *

PART 178—SPECIFICATIONS FOR PACKAGINGS

49. The authority citation for part 178 continues to read as follows:

Authority: 49 U.S.C. 5101–5127; 49 CFR 1.53.

50. In § 178.320, in paragraph (a), the definition for “Manufacturer” is revised to read as follows:

§ 178.320 General requirements applicable to all DOT specification cargo tank motor vehicles.

(a) * * *

Manufacturer means any person engaged in the manufacture of a DOT specification cargo tank, cargo tank motor vehicle or cargo tank equipment which forms part of the cargo tank wall. This term includes attaching a cargo tank to a motor vehicle or to a motor vehicle suspension component which involves welding on the cargo tank wall. A manufacturer shall register with the Department in accordance with subpart F of part 107 in subchapter A of this chapter.

* * * * *

§ 178.337–1 [Amended]

51. In § 178.337–1, the following changes are made:

a. In paragraphs (b), (c)(1), (c)(2) introductory text, (c)(2)(i), (c)(2)(ii), (d), (e)(1), (e)(2) and (f), the word "tank" is removed and "cargo tank" is added each place it appears.

b. In paragraph (e)(2), the word "tanks" is removed and "cargo tanks" is added in its place.

c. In paragraph (f), in the first sentence, the word "accord-ance" is removed and "accordance" is added in its place.

§ 178.337-2 [Amended]

52. In § 178.337-2, the following changes are made:

a. In paragraph (a)(1), the word "tank" is removed and "cargo tank" is added in its place.

b. In paragraph (a)(2), in the first sentence, the wording "on steel used in fabrication on each tank" is removed and "on steel used in the fabrication of each cargo tank" is added in its place.

c. In paragraphs (a)(3), (a)(4), (b)(1) introductory text, (b)(2) introductory text and the last sentence in paragraph (c), the word "tank" is removed and "cargo tank" is added each place it appears.

d. In paragraph (b) heading, the wording "*a chlorine tank*" is removed and "*a chlorine cargo tank*" is added in its place.

§ 178.337-3 [Amended]

53. In § 178.337-3, the following changes are made:

a. In paragraph (b), in the second sentence, the wording "by the tank wall" is removed and "by the cargo tank wall" is added in its place.

b. In paragraphs (c)(1)(iii) (A), (B) introductory text and (C); (c)(1)(iv) (A), (B) and (C); (c)(2)(iii) (A), (B) introductory text and (C); and (c)(2)(iv) (A), (B) and (C), the wording "loaded cargo tank" is removed and "loaded cargo tank motor vehicle" is added each place it appears.

c. In paragraph (e), the word "tanks" is removed and "cargo tanks" is added each place it appears.

d. In paragraphs (f) and (g) introductory text, the word "tank" is removed and "cargo tank" is added each place it appears.

e. In paragraph (g)(1), in the second sentence, the wording "integrity of the tank" is removed and "integrity of the cargo tank" is added in its place.

§§ 178.337-4, 178.337-6, 178.337-8 [Amended]

54. In § 178.337-4 (b) and (c), in § 178.337-6(b) and in § 178-337-8(a)(1), the word "tank" is removed and "cargo tank" is added each place it appears.

§ 178.337-9 [Amended]

55. In § 178.337-9, the following changes are made:

a. In paragraph (a)(2), the word "tanks" is removed and "cargo tanks" is added in its place.

b. In paragraphs (a)(3), (b)(1) and (c), the word "tank" is removed and "cargo tank" is added each place it appears.

c. In paragraph (b)(6), in the third sentence, the wording "installation on the tank" is removed and "installation on the cargo tank" is added in its place.

d. In paragraph (d)(1), in the second sentence, the wording "at least tank test pressure" is removed and "at least the cargo tank test pressure" is added in its place.

e. In paragraph (d)(1), in the third and fourth sentences, the word "tank" is removed and "cargo tank" is added each place it appears.

f. In paragraph (d)(1), in the fourth sentence, the punctuation "." is added after the word leakage and preceding the word "The".

§ 178.337-11 [Amended]

56. In § 178.337-11, the following changes are made:

a. In paragraphs (a)(1) (ii), (iii), (iv) and (v); (a)(2) (i) and (ii); (b); and (c)(3), the word "tank" is removed and "cargo tank" is added each place it appears.

b. In paragraph (c)(1), the wording "self-closing" is removed the first time it appears.

§ 178.337-13 [Amended]

57. In § 178.337-13, the following changes are made:

a. In paragraph (a), in the first sentence, the wording "tank down" is removed and "cargo tank down" is added in its place; in the second sentence, the wording "tank and the vehicle chassis" is removed and "cargo tank and the vehicle chassis" is added in its place.

b. In paragraph (b), in the first sentence, the wording "tank motor vehicle" is removed and "cargo tank motor vehicle" is added in its place.

c. In paragraph (b), in the first sentence, the wording "tank supported" is removed and "cargo tank supported" is added in its place.

d. In paragraph (b), in the fourth sentence, the wording "loaded vehicle" is removed and "loaded cargo tank motor vehicle" is added in its place.

e. In paragraphs (c) and (d), the word "tank" is removed and "cargo tank" is added each place it appears.

§ 178.337-14 [Amended]

58. In § 178.337-14, in paragraph (b)(2), in the second sentence, the word "tank" is removed and "cargo tank" is added in its place.

§ 178.337-15 [Amended]

59. In § 178.337-15, in paragraph (a), in the third sentence, the word "tank" is removed and "cargo tank" is added in its place.

§ 178.337-16 [Amended]

60. In § 178.337-16, the following changes are made:

a. In paragraphs (a) and (b)(1), the word "tank" is removed and "cargo tank" is added each place it appears.

b. In paragraphs (a), (b)(2) and (c), the word "tanks" is removed and "cargo tanks" is added each place it appears.

§ 178.337-17 [Amended]

61. In § 178.337-17, in paragraph (a), the following changes are made:

a. The word "tank" is removed and "cargo tank" is added each place it appears.

b. In the third sentence, the wording "multitank vehicles plates" is removed and "multi-cargo tank motor vehicle plates" is added in its place.

§ 178.337-18 [Amended]

62. In § 178.337-18, the following changes are made:

a. In paragraph (a) introductory text, in the first sentence, the wording "cargo tank manufacturer" is removed and "cargo tank motor vehicle manufacturer" is added in its place.

b. In paragraph (a) introductory text, in the first sentence, the wording "tank manufacturer's" is removed and "cargo tank motor vehicle manufacturer's" is added in its place.

c. In paragraph (a)(3), in the third sentence, the word "tank" is removed and "cargo tank" is added in its place.

d. In paragraph (b), the word "tank" is removed and "cargo tank motor vehicle" is added each place it appears.

§ 178.338-9 [Amended]

63. In § 178.338-9, in paragraph (c)(1), in the fourth sentence, the reference "§ 173.33(d)(1)(ii)" is removed and "§ 173.318(g)(3)" is added in its place.

§ 178.345-1 [Amended]

64. In § 178.345-1, in paragraph (c), the following changes are made:

a. For the following definitions, the word "tank" is removed and "cargo tank" is added each place it appears: "*External self-closing stop-valve*", "*Inspection pressure*", "*Internal self-closing stop-valve*", "*Loading/unloading outlet*", "*Loading/unloading stop-valve*", "*Outlet*", "*Outlet stop-valve*", "*Sacrificial Device*", "*Shell*", "*Sump*", and "*Vacuum tank*".

b. For the following definitions, the wording "cargo tank" is removed and "cargo tank motor vehicle" is added each place it appears: "*Extreme*

dynamic loading” and “*Normal operating loading*”.

§ 178.345-2 [Amended]

65. In § 178.345-2, the following changes are made:

a. In paragraph (a)(1), the wording “ASTM A 622” is added in alphabetical order.

b. In paragraph (c)(1), the word “tank” is removed and “cargo tank” is added in its place.

c. In paragraph (c)(2), the wording “tank wall” is removed and “cargo tank wall” is added in its place.

§ 178.345-3 [Amended]

66. In § 178.345-3, the following changes are made:

a. In paragraphs (a)(1) and (c)(1) introductory text, the word “tank” is removed and “cargo tank” is added each place it appears.

a-1. In paragraph (b) introductory text, in the second sentence, the wording “tank design” is removed and “cargo tank design” is added in its place.

b. In paragraphs (c)(1)(iii) (A), (B) introductory text and (C), and (c)(1)(iv) (A), (B) and (C), the wording “fully loaded cargo tank” is removed and “fully loaded cargo tank motor vehicle” is added each place it appears.

c. In paragraph (c)(2) introductory text, the word “tank” is removed and “cargo tank” is added in its place.

d. In paragraphs (c)(2)(iii) (A), (B) introductory text, (C) and (c)(2)(iv) (A), (B) and (C), the wording “fully loaded cargo tank” is removed and “fully loaded cargo tank motor vehicle” is added each place it appears.

e. In paragraph (f)(2), in the last sentence, the wording “tank shell” is revised to read “cargo tank shell”.

§ 178.345-4 [Amended]

67. In § 178.345-4, in paragraph (a), the wording “tank shell” is removed and “the cargo tank shell” is added in its place.

§ 178.345-6 [Amended]

68. In § 178.345-6, the following changes are made:

a. In paragraph (a), in the first sentence, the word “vehicle” is removed and “cargo tank motor vehicle” is added in its place.

b. In paragraph (a), in the first sentence, the wording “tank must have the tank secured by restraining devices to eliminate any motion between the tank and frame that may abrade the tank shell” is removed and “cargo tank must have the tank secured by restraining devices to eliminate any motion between the tank and frame that may

abrade the tank shell” is added in its place.

c. In paragraph (b), in the first sentence, the wording “in the tank” is removed and “in the cargo tank” is added in its place.

69. In § 178.345-7, the table in paragraph (d)(2) is revised to read as follows:

§ 178.345-7 Circumferential reinforcements.

* * * * *

(d) * * *

(2) * * *

Number of circumferential ring stiffener-to-shell welds	J ¹	Shell section
1	20t
2	Less than 20t ...	20t+J
2	20t or more	40t

¹ where:
t=Shell thickness, inches;
J=Longitudinal distance between parallel circumferential ring stiffener-to-shell welds.

* * * * *

§ 178.345-7 [Amended]

70. In addition, in § 178.345-7, the following changes are made:

a. In paragraphs (a) introductory text, (c) and (d)(2), the word “tank” is removed and “cargo tank” is added each place it appears.

b. In paragraph (d)(5), the wording “tank shell” is removed and “cargo tank shell” is added in its place.

§ 178.345-8 [Amended]

71. In § 178.345-8, the following changes are made:

a. In paragraph (a)(1) introductory text, in the second sentence, the wording “accident damage protection that are:” is removed and “accident damage protection devices that are:” is added in its place.

b. In paragraph (a)(1) introductory text, the words “non-circular tanks” is removed and “non-circular cargo tanks” is added each place it appears.

c. In paragraph (a)(3), in the second sentence, the wording “the tank wall” is removed and “the cargo tank wall” is added in its place.

d. In paragraph (a)(3), in the third sentence, the wording “from the tank operating at the MAWP may not result in a tank wall” is removed and “from the cargo tank operating at the MAWP may not result in a cargo tank wall” is added in its place.

e. In paragraph (a)(4), in the third and fourth sentences, the word “tank” is removed and “cargo tank” is added each place it appears.

f. In paragraph (b) introductory text, the word “tank” is removed and “cargo tank” is added in its place.

g. In paragraph (b) introductory text, the wording “non-circular tanks” is removed and “non-circular cargo tanks” is added in its place.

h. In paragraphs (b)(2), (d)(2) introductory text, (d)(2)(ii) and (e), the word “tank” is removed and “cargo tank” is added each place it appears.

i. In paragraph (c)(1), the wording “normal to the tank shell (perpendicular to the tank surface)” is removed and “normal to the cargo tank shell (perpendicular to the cargo tank surface)” is added in its place.

j. In paragraph (c)(2), the wording “top of the tank” is removed and “top of the cargo tank” is added in its place.

k. In paragraph (d) introductory text, in the first sentence, the wording “protect the tank” is removed and “protect the cargo tank” is added in its place.

l. In paragraph (d)(1), the wording “The rear-end tank” is removed and “The rear end cargo tank” is added in its place.

§ 178.345-9 [Amended]

72. In § 178.345-9, in paragraphs (e) and (h), the word “tank” is removed and “cargo tank” is added each place it appears.

§ 178.345-10 [Amended]

73. In § 178.345-10, the following changes are made:

a. In paragraph (a), in the second sentence, the wording “tank rupture” is removed and “cargo tank rupture” is added in its place.

b. In paragraph (c), in the second sentence, the word “tank” is removed and “cargo tank” is added each place it appears.

c. In paragraph (c), in the second sentence, the word “tanks” is removed and “cargo tanks” is added in its place.

d. In paragraph (e) introductory text, the word “tank” is removed and “cargo tank” is added each place it appears.

e. In paragraph (e)(1), the wording “exposed tank” is removed and “exposed cargo tank” is added in its place.

§ 178.345-11 [Amended]

74. In § 178.345-11, the following changes are made:

a. In paragraph (a), in the second sentence, the wording “Tank out-lets” is removed and “Cargo tank outlets” is added in its place.

b. In paragraphs (b) introductory text, and (d), the word “tank” is removed and “cargo tank” is added each place it appears.

c. In paragraph (b)(2), the wording "the tank need not" is removed and "the cargo tank need not" is added in its place.

§ 178.345-12 [Amended]

75. In § 178.345-12, in the first sentence, the wording "Each cargo tank, except a tank" is removed and "Each cargo tank, except a cargo tank" is added in its place.

76. In § 178.345-13, in paragraph (b) introductory text, the first two sentences are revised to read as follows:

§ 178.345-13 Pressure and leakage tests.

(b) * * * Each cargo tank or cargo tank compartment must be tested hydrostatically or pneumatically. Each cargo tank of a multi-cargo tank motor vehicle must be tested with the adjacent cargo tanks empty and at atmospheric pressure. * * *

§ 178.345-13 [Amended]

77. In addition, in § 178.345-13, the following changes are made:

a. In paragraph (a), the words "Each tank must be pressure and leak tested" is removed and "Each cargo tank must be pressure and leakage tested" is added in its place.

b. In paragraph (b)(1) and the fourth sentence of paragraph (b)(2), the word "tank" is removed and "cargo tank" is added each place it appears.

78. In § 178.345-14, paragraph (a) is revised to read as follows:

§ 178.345-14 Marking.

(a) *General.* The manufacturer shall certify that each cargo tank motor vehicle has been designed, constructed and tested in accordance with the applicable Specification DOT 406, DOT 407 or DOT 412 (§§ 178.345, 178.346, 178.347, 178.348) cargo tank requirements, and when applicable, with the ASME Code. The certification shall be accomplished by marking the cargo tank as prescribed in paragraphs (b) and (c) of this section, and by preparing the certificate prescribed in § 178.345-15. Metal plates prescribed by paragraphs (b), (c), (d) and (e) of this section, must be permanently attached to the cargo tank or its integral supporting structure, by brazing, welding or other suitable means. These plates must be affixed on the left side of the vehicle near the front of the cargo tank (or the frontmost cargo tank of a multi-cargo tank motor vehicle), in a place readily accessible for inspection. The plates must be permanently and plainly marked in English by stamping, embossing or other means in characters

at least $\frac{3}{16}$ inch high. The information required by paragraphs (b) and (c) of this section may be combined on one specification plate.

* * * * *

§ 178.345-14 [Amended]

79. In addition, in § 178.345-14, the following changes are made:

a. In paragraphs (b)(4) and (b)(5), the word "Tank" is removed and "Cargo tank" is added each place it appears.

b. In paragraph (d), the paragraph heading is revised to read: "*Multi-cargo tank motor vehicle.*".

c. In paragraph (d), in the first sentence, the wording "For a cargo tank motor vehicle" is removed and "For a multi-cargo tank motor vehicle" is added in its place.

d. In paragraph (d), in the first sentence, the wording "having one cargo tank or" is removed.

e. In paragraph (d), in the fourth sentence, the wording "insulation and the" is removed and "insulation. The" is added in its place.

§ 178.345-15 [Amended]

80. In § 178.345-15, the following changes are made:

a. In paragraph (b)(2), in the first sentence, the wording "ASME tank a tank manufacturer's" is removed and "ASME cargo tank a cargo tank manufacturer's" is added in its place.

b. In paragraph (d), the wording "tank fabrication" is removed and "cargo tank fabrication" is added in its place.

PART 179—SPECIFICATIONS FOR TANK CARS

81. The authority citation for part 179 continues to read as follows:

Authority: 49 U.S.C. 5101-5127; 49 CFR 1.53.

§ 179.103-5 [Amended]

82. In § 179.103-5, paragraph (a)(1) is amended by removing the first two sentences.

§ 179.300-7 [Amended]

82a. In § 179.300-7, in the first sentence of paragraph (a), the phrase "having heads fusion welded to the tank shell" is removed.

PART 180—CONTINUING QUALIFICATION AND MAINTENANCE OF PACKAGINGS

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

Authority: 49 U.S.C. 5101-5127; 49 CFR 1.53.

84. In § 180.403, for the definition "*Modification*", a new sentence is

added at the end of the introductory text to read as follows:

§ 180.403 Definitions.

* * * * *

Modification * * * Excluded from this category are the following:

* * * * *

§ 180.407 [Amended]

85. In § 180.407, the following changes are made:

a. In the paragraph (c) table, in the table title, the word "Retests" is removed and "Test" is added in its place.

b. In the paragraph (c) table, in the first column, in the fifth entry, the wording "Pressure Retest" is removed and "Pressure Test" is added in its place.

c. In paragraph (d)(2)(vi), the wording "parts 178 and 180" is removed and "parts 172, 178 and 180 of this subchapter" is added in its place.

d. In paragraph (f)(3), in the first sentence, the word "tank" is removed and the words "the cargo tank" are added in its place.

e. In paragraph (f)(3), in the second sentence, the reference "§ 180.407(i)." is removed and "paragraphs (i)(2), (i)(3), (i)(5) and (i)(6) of this section." is added in its place.

f. In paragraph (g)(1) (viii) and (ix), the word "tank" is removed and "cargo tank" is added each place it appears.

g. In paragraph (g)(1)(viii), in the second sentence, the reference "(g)(1)(iii)" is removed and "(g)(1)(iv)" is added in its place.

h. In paragraph (h)(1) introductory text, (h)(1)(i) and (h)(1)(ii), the wording "leak tested" is removed and "leakage tested" is added each place it appears.

§ 180.413 [Amended]

86. In § 180.413, in paragraph (e), the following changes are made:

a. In the first sentence, the wording "each tank during the time the tank" is removed and "each cargo tank during the time the cargo tank" is added in its place.

b. In the second sentence, the wording "during the period the tank" is removed and "during the period the cargo tank" is added in its place.

c. In the third sentence, the wording "cargo tank" is removed and "specification cargo tank" is added each place it appears.

§ 180.415 [Amended]

87. In § 180.415, in paragraph (b), the following changes are made:

a. In the fourth sentence, the wording “pressure retest” is removed and “pressure test” is added in its place.

b. In the fourth sentence, the wording “lining test” is removed and “lining inspection” is added in its place.

c. In the fifth sentence, the wording “pressure retest” is removed and “pressure test” is added in its place.

§ 180.417 [Amended]

88. In § 180.417, in paragraph (c)(2), the word “tank” is removed and “cargo tank” is added in its place.

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Kelley S. Coyner,

Deputy Administrator, Research and Special Programs Administration.

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