

§§ 178.346-3, 178.346-4, 178.346-5, 178.346-6, 178.346-7, 178.346-8, 178.346-9, 178.346-12, 178.346-14, 178.346-15, 178.347-3, 178.347-4, 178.347-6, 178.347-7, 178.347-8, 178.347-9, 178.347-11, 178.347-12, 178.347-14, 178.347-15, 178.348-3, 178.348-4, 178.348-5, 178.348-6, 178.348-7, 178.348-8, 178.348-11, 178.348-12, 178.348-14, 178.348-15 [Removed]

40. Sections 178.346-3; 178.346-4; 178.346-5; 178.346-6; 178.346-7; 178.346-8; 178.346-9; 178.346-12; 178.346-14; 178.346-15; 178.347-3; 178.347-4; 178.347-6; 178.347-7; 178.347-8; 178.347-9; 178.347-11; 178.347-12; 178.347-14; 178.347-15; 178.348-3; 178.348-4; 178.348-5; 178.348-6; 178.348-7; 178.348-8; 178.348-11; 178.348-12; 178.348-14; and 178.348-15 would be removed.

Subpart J [Amended]

41. In subpart J, § 178.346-10, § 178.346-11, and § 178.346-13 are redesignated as § 178.346-3 through § 178.346-5, respectively; §§ 178.347-5; 178.347-10, and 178.347-13 are redesignated as §§ 178.347-3 through 178.347-5, respectively; and §§ 178.348-9, 178.348-10, and 178.348-13 are redesignated as §§ 178.348-3 through 178.348-5, respectively.

PART 179—SPECIFICATIONS FOR TANK CARS

42. The authority citation for Part 179 would continue to read as follows:

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

§§ 179.100-2, 179.100-5, 179.100-11, 179.100-22, 179.104, 179.104-1, 179.104-2, 179.104-3, 179.104-4, 179.106, 179.200-2, 179.200-5, 179.200-12, 179.200-20, 179.200-26, 179.202-179.202-22, 179.220-2, 179.220-5, 179.220-12, 179.220-21, 179.220-27, 179.300-2, 179.300-5, 179.300-11, 179.400-2, 179.400-26, 179.500-2, 179.500-9 [Removed]

43. Sections 179.100-2; 179.100-5; 179.100-11; 179.100-22; 179.104; 179.104-1; 179.104-2; 179.104-3; 179.104-4; 179.106; 179.200-2; 179.200-5; 179.200-12; 179.200-20; 179.200-26; 179.220-2; 179.220-5; 179.220-12; 179.220-21; 179.220-27; 179.300-2; 179.300-5; 179.300-11; 179.400-2; 179.400-26; 179.500-2; 179.500-9 would be removed.

§ 179.400-6 [Removed and Reserved]

44. In § 179.400-6, paragraph (a) would be removed and reserved.

Issued in Washington, DC on October 5, 1995 under authority delegated in 49 CFR part 106.

Alan I. Roberts,

Associate Administrator for Hazardous Materials Safety.

[FR Doc. 95-25178 Filed 10-12-95; 8:45 am]

BILLING CODE 4910-60-P

National Highway Traffic Safety Administration

49 CFR Part 571

Federal Motor Vehicle Safety Standards

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Denial of petition for rulemaking.

SUMMARY: This document denies a petition for rulemaking submitted by the Commonwealth of Pennsylvania Department of Transportation. The petitioner requested that NHTSA issue regulations to reduce the potential for tire tread separation and casing failure from new or retreaded truck tires, including regulations that ensure the stability of re-used casings, prescribe a maximum life of casings, and minimize truck rim separations. While NHTSA shares the petitioner's safety concerns, the agency believes that issuance of new safety requirements for tires and rims would not be an appropriate way of addressing this problem, which is primarily related to poor vehicle maintenance rather than to tire and rim performance.

FOR FURTHER INFORMATION CONTACT: Ms. Terri Droneburg, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street SW., Room 5307, Washington, DC 20590. Telephone (202) 366-6617; facsimile (202) 366-4329. For legal issues: Mr. Walter Myers, Office of Chief Counsel, National Highway Traffic Safety Administration, 400 Seventh Street SW., Room 5219, Washington, DC 20590. Telephone (202) 366-2992; facsimile (202) 366-3820.

SUPPLEMENTARY INFORMATION:

Existing Standards

Federal Motor Vehicle Safety Standard (Standard) No. 117, *Retreaded pneumatic Tires*, establishes performance, labeling, and certification requirements for retreaded pneumatic passenger car tires. Among other things, the standard requires retreaded passenger car tires to comply with the tubeless tire resistance to bead

unseating and the tire strength requirements of Standard No. 109, *New pneumatic tires*. Standard No. 117 also specifies requirements for casings to be used for retreading, and certification and labeling requirements.

With respect to rims, Standard No. 110, *Tire selection and rims*, applicable to passenger cars, establishes rim dimension requirements and further specifies that in the event of a sudden loss of inflation pressure at a speed of 60 miles per hour, rims must retain a deflated tire until the vehicle can be stopped with a controlled braking application. Standard No. 120, *Tire selection and rims for motor vehicles other than passenger cars*, requires that vehicles other than passenger cars equipped with pneumatic tires be equipped with rims that are listed by the tire manufacturer as suitable for use with those tires, and that rims be labeled with certain information.

The Petition

The Commonwealth of Pennsylvania (COP) Department of Transportation submitted a petition for rulemaking requesting that NHTSA issue regulations "to reduce the potential for tread separation and casing failure from new or re-cap truck tires." COP further requested that the agency consider regulations ensuring the stability of re-used tire casings that may require establishing a maximum life of casings. Finally, COP requested that regulations be issued to "further minimize the potential for truck rims from separating from moving vehicles."

COP stated that over the past several years it has noticed an increase in separation of tire treads from truck tires and separations from truck rims. COP stated that this is a dangerous situation in that:

- * Other vehicles, especially passenger cars, vans, and motorcycles can strike these tread separations, causing the vehicles to go out of control and crash;

- * With increased travel on the interstate highways the probability of striking these pieces increases, particularly at night when visibility is limited;

- * Law enforcement officers and highway maintenance personnel are vulnerable when trying to remove such debris from the roadways;

- * Although COP's crash data does not readily identify crashes resulting from striking tread debris on the road, COP has identified 15 cases in which tire portions caused crashes in 1993, and 2 crashes resulting from vehicles striking truck rims on highways in 1993.

COP noted that there are standards for retreaded tires for passenger cars, but not for vehicles other than passenger cars, and stated that the problem is sufficiently significant to petition NHTSA to take the actions discussed above.

Agency Decision

After a full and careful analysis of the requests of the COP in the petition and the supporting rationale, NHTSA has decided to deny the petition. The agency shares COP's concerns about the risk of crashes created by tire scraps and broken wheels in the highway. However, NHTSA believes that issuance of new safety requirements for tires and rims would not be an effective way of addressing the problem, since the problem is primarily related to poor vehicle maintenance rather than to tire and rim performance.

Available information shows that tire tread separation results not from failure of unstable tire casings, used or new, but from improper use and/or poor tire maintenance. The University of Michigan conducted a study entitled "Large Truck Accidents Involving Tire Failure" which concluded that tread separation results from overloading and/or underinflation of tires which can cause tread failure on both new as well as retreaded tires. Specifically, the study showed that of tire scraps collected nationwide, approximately 60 percent were from retreads and 40 percent from original treads.

The cause of tire tread separations is related to the fact that heat is a tire's worst enemy. A pneumatic tire will flex and heat up during the first few miles of operation. If properly inflated, the air pressure in the tire will increase until the heat generation due to flexing and the heat loss due to ambient cooling reach equilibrium. Underinflation and/or overloading, however, can distort that equilibrium and cause the tire to produce very high temperatures, ultimately beyond the capability of the tire to adequately dissipate. At highway speeds, underinflation and/or overloading can produce tire temperatures up to 240°–265° Fahrenheit. Such extreme temperatures can cause tire disintegration, sidewall failure and/or tread separation, regardless of the soundness of the casing.

The danger posed by underinflation/overloading of tires prompted the Federal Highway Administration (FHWA), DOT, to issue regulations prohibiting the operation of commercial vehicles under conditions of tire underinflation or overloading (49 CFR 393.75). FHWA enforces those

requirements by roadside inspection programs.

Available data show that the great majority, if not nearly all, tire and rim scraps on the roads are from vehicles other than passenger cars. While the problem of tire underinflation is common both to passenger cars and trucks, passenger cars are seldom operated in a fully loaded condition. That is not the case with trucks, however, especially commercial trucks which, for economic reasons, are often loaded up to their gross vehicle weight rating (GVWR). For that reason, therefore, when tires are underinflated, the likelihood of tire failure is much greater for trucks than for passenger cars.

With regard to rims, the potential problem with wheel rims is not so much that they break apart, but that the entire wheel and rim assembly separates from the vehicle. Again, the leading causes of such wheel separations from medium and heavy trucks, which constitute approximately 0.3 percent of all truck accidents, are improper tightening of wheel fasteners and bearing failure. Both those factors are the result of inadequate or improper wheel maintenance.

For the reasons discussed above, NHTSA believes that improper maintenance is primarily responsible for tread and wheel failure, rather than tire/rim performance or unstable casings being used for retreaded tires. Moreover, the agency is not aware of changes to tires or rims that would address these problems. NHTSA therefore believes that issuance of new safety requirements for tires and rims would not be an appropriate or effective way of addressing the problems. Thus, there is no reasonable probability that this agency would issue the requested regulations at the conclusion of a rulemaking proceeding. Accordingly, the petition of COP is denied.

NHTSA will continue to emphasize the importance of proper vehicle maintenance, including proper tire inflation, in its various activities and encourages similar efforts by other public and private sector organizations.

Authority: 49 U.S.C. §§ 322, 30111, and 30162; delegation of authority at 49 CFR 1.50.

Issued on October 6, 1995.

Barry Felrice,

Associate Administrator for Safety Performance Standards.

[FR Doc. 95-25405 Filed 10-12-95; 8:45 am]

BILLING CODE 4910-59-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 14

RIN 1018-AD33

Conferring Designated Port Status on Atlanta, Georgia

AGENCY: U.S. Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Fish and Wildlife Service proposes to confer designated port status on Atlanta, Georgia, pursuant to section 9(f) of the Endangered Species Act of 1973. Designated port status would allow the direct importation and exportation of fish and wildlife, including parts and products, through Atlanta, Georgia, a growing international port. Under this proposed rule, the regulations would be amended to add Atlanta, Georgia, to the list of Customs ports of entry designated for the importation and exportation of wildlife.

DATES: Comments must be submitted on or before December 12, 1995.

Public hearing, see **SUPPLEMENTARY INFORMATION** section.

ADDRESSES: Comments and materials concerning this proposal should be sent to the Director, U.S. Fish and Wildlife Service, P.O. Box 3247, Arlington, Virginia 22203-3247. Comments and materials may be hand-delivered to the U.S. Fish and Wildlife Service, Division of Law Enforcement, 4401 N. Fairfax Drive, Room 500, Arlington, Virginia, between the hours of 8:00 A.M. and 4:00 P.M., Monday through Friday.

Public hearing, see **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: Special Agent Thomas Striegler, at the above address[(703) 358-1949], or Special Agent Cecil M. Halcomb, Assistant Regional Director, U.S. Fish and Wildlife Service, P.O. Box 49226, Atlanta, Georgia 30359, [(404) 679-7057].

SUPPLEMENTARY INFORMATION:

Background

Designated ports are the cornerstones of the process by which the U.S. Fish and Wildlife Service (Service) regulates the importation and exportation of wildlife in the United States. With limited exceptions, all fish or wildlife must be imported and exported through such ports as required by section 9(f) of the Endangered Species Act of 1973, 16 U.S.C. 1538(f). The Secretary of the Interior is responsible for designating