

IV. Ruling

RSPA denies the City's petition for reconsideration and affirms its December 7, 1998 determination that Federal hazardous material transportation law does not preempt requirements in the following sections of the Houston Fire Code because these requirements do not apply to the transportation of hazardous materials subject to the HMR:

- Secs. 105.4, 105.8.f.3, 105.h.1, 106.1, 7901.3.1, and 8001.3.1., to the extent that these sections require a permit for a vehicle to transport hazardous materials in commerce within the City, including activities (such as loading, unloading, handling, and dispensing) that are encompassed within the scope of transportation, and including the requirements for inspection of the vehicle and payment of a fee in order to obtain a permit;
- Secs. 209 and 8001.1.2, concerning the definition of "hazardous materials" as relevant to the permit requirements in Secs. 105.8.f.3 and 8001.3.1;
- Sec. 7904.6.1, concerning requirements for the design and construction of tank vehicles used to transport a flammable or combustible liquid;
- Sec. 7904.6.3.4, concerning physical bonding during the loading of a tank vehicle with a flammable or combustible liquid, to prevent the accumulation of static charges;

- Sec. 7904.6.5.2.1, prohibiting unattended parking of tank vehicles used for flammable or combustible liquids at specific locations or "at any other place that would, in the opinion of the chief, present an extreme life hazard"; and
- Sec. 7904.6.7, requiring a fire extinguisher with a minimum rating of 2-A, 20-B:C on board a tank vehicle used for flammable or combustible liquids.

V. Final Agency Action

In accordance with 49 CFR 107.211(d), this decision constitutes RSPA's final agency action on AWHMT's application for a determination of preemption as to certain requirements in the Houston Fire Code concerning the transportation of hazardous materials, including storage and handling that are a part of transportation.

Issued in Washington, DC on June 17, 1999.

Alan I. Roberts,

Associate Administrator for Hazardous Materials Safety.

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UNITED STATES INSTITUTE OF PEACE
Announcement of the Spring Unsolicited Grant Competition Grant Program

AGENCY: United States Institute of Peace.

ACTION: Notice.

SUMMARY: The Agency Announces its Upcoming Fall Unsolicited Grant Deadline, which offers support for research, education and training, and the dissemination of information on international peace and conflict resolution.

DEADLINE: October 1, 1999.

DATES: Application Material Available Upon Request. Receipt Date for Return of Application: October 1, 1999. Notification of Awards: February 2000.

ADDRESSES: For Application Package: United States Institute of Peace, Grant Program • Unsolicited Grants, 1200 17th Street, NW, • Suite 200, Washington, DC 20036-3011, (202) 429-3842 (phone), (202) 429-6063 (fax), (202) 457-1719 (TTY), Email: grant_program@usip.org.

Applications also available on-line at our web site: www.usip.org.

FOR FURTHER INFORMATION CONTACT: The Grant Program; Phone (202) 429-3842.

Dated: June 19, 1999.

Bernice J. Carney,

Director, Office of Administration.

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