



## DEPARTMENT OF TRANSPORTATION

MATERIALS TRANSPORTATION BUREAU

WASHINGTON, D.C. 20590

27968

### Title 49—Transportation

#### CHAPTER I—OFFICE OF HAZARDOUS MATERIALS OPERATIONS, DEPARTMENT OF TRANSPORTATION

##### SUBCHAPTER C—HAZARDOUS MATERIALS REGULATIONS

[Docket No. HM-110; Amdt. No. 177-31]

#### PART 177—CARRIAGE BY PUBLIC HIGHWAY

##### Repair and Maintenance of Vehicles

The purpose of this amendment to Title 49 of the Code of Federal Regulations is to revoke, effective June 30, 1976, the amendment made to paragraph (g) of § 177.854 as published under Docket No. HM-110 in the FEDERAL REGISTER on December 2, 1974 (39 FR 41741).

Amendment Nos. 173-87 and 177-31 under Docket No. HM-110 prescribed, inter alia, new regulations pertaining to repairs and maintenance to vehicles containing hazardous materials (§ 177.854 (g)). The effective date of those new regulations was April 1, 1975, however, immediate compliance was authorized.

In response to petitions for reconsideration, the effective date of the amendment to § 177.854(g) was postponed until October 1, 1975 (40 FR 12269). Thereafter, the American Trucking Association, Inc. (ATA) filed a persuasive petition to further postpone that effective date on the grounds that the regulation as amended was ambiguous, unduly restrictive, and that there was a need for additional research and consideration before making the regulation effective. Consequently, the effective date was further delayed to July 1, 1976 (40 FR 44821).

Reconsideration by the Materials Transportation Bureau confirms that the requirements of § 177.854(g), as amended on December 2, 1974 (39 FR 41741), do not clearly articulate the safety precautions intended in every situation and are capable of being misconstrued in a manner which compromises, rather than promotes, the safe transportation of hazardous materials.

It is therefore the decision of the Materials Transportation Bureau that the requirements of § 177.854(g) in effect on June 30, 1976, continue in effect until a well considered amendment to those requirements can be promulgated. Consistent with that decision, a notice of proposed rulemaking with respect to § 177.854(g) will be published in the near future.

In consideration of the foregoing, 49 CFR 177.854(g), as published on December 2, 1974 (39 FR 41741), is hereby revoked effective June 30, 1976.

(18 U.S.C. 834, 49 CFR 1.53(g).)

Issued in Washington, D.C., on June 30, 1976.

JAMES T. CURTIS, JR.,  
*Director,*  
*Materials Transportation Bureau.*

[FR Doc. 76-10643 Filed 7-7-76; 8:45 am]