

Docket HM-174, (46 FR 8005, Jan. 26, 1981), which involves new construction of DOT specification 105 tank cars. As a result of the AAR's petition for reconsideration of the final rule in HM-174, MTB postponed the compliance date for installing the large capacity safety relief valve on the new construction of DOT specification 105 tank cars built to transport ethylene oxide from September 1, 1981, until March 1, 1984. During that period the AAR prepared a comprehensive study of safety valve sizing. At the same time, FRA was continuing its longstanding research effort on the safety valve sizing issue.

The contentions raised by AAR in its study submitted to the docket in HM-174 have been previously addressed by MTB and FRA. A summary of the MTB and FRA position is included in the preamble discussion to the amendment of the final rule in HM-174 published on January 27, 1984 (49 FR 3473) and a detailed response is included in the docket. The amendment of the final rule was made in response to the AAR's petition for reconsideration in Docket HM-174.

The petition for reconsideration in Docket HM-175 is essentially a request to address once again the AAR's contentions addressed in the HM-174 rulemaking. (The AAR's petition for reconsideration of the final rule in HM-175 also requested another reconsideration of the actions taken in HM-174. The procedural validity of the request need not be addressed since resolution of the technical issues as it affects Docket HM-175 effectively disposes of the identical technical issues in Docket HM-174.) Indeed, the AAR's petition does not raise new arguments about the safety valve sizing issue, but it does contain additional data and analysis in support of the arguments raised in its earlier study.

MTB and FRA thoroughly reviewed the AAR's petition for reconsideration in HM-175 and conclude that it does not contain data or analysis that could cause a change in the conclusions reached in responding to the AAR's petition for reconsideration of the final rule in HM-174. The longstanding disagreement reflects the technical complexity involved in the question of safety valve sizing. It also reflects the reality that totally clear cut answers to the many subcomponents of the analytical framework do not exist. Extrapolation from limited data, mathematical simplification of complex physical phenomena, use of data based

on experiments involving an entirely different scale (laboratory testing as opposed to full-scale testing), and other analytical difficulties characterize the process of determining the appropriate valve size.

While the AAR and FRA have "nits" to pick about each other's computer program and analytical approach, the critical differences reflect differing judgments about how to deal with uncertainty in the data and about what constitutes the proper level of safety. The fundamental difference between FRA and the AAR continues to be the fire environment that tank cars should be expected to withstand. The AAR petition proposes that tank cars only be required to withstand what the AAR denotes as "uncontrolled fires," whereas FRA believes that they should withstand more severe fires, what the AAR denotes as "catastrophic fires." Similarly, FRA and the AAR differ on whether there is a potential for total tank fire engulfment (FRA) or only a one quarter portion of the tank engulfed (AAR).

Obviously, FRA and the AAR continue to have an honest disagreement, reflecting both a differing assessment of research and technical literature in the field, and a different determination of the appropriate margin of safety. One thing is clear. As recently as ten years ago, before the adoption of the safety criteria in issue (800°F high temperature thermal insulation and a large capacity safety relief valve, or 550°F insulation), it was not uncommon for railroad tank cars transporting flammable gases to rupture violently as a result of being exposed to fire. The consequences of a thermally induced rupture of such a car can be catastrophic in terms of loss of life and property damage. Since adoption of the safety criteria, beginning in Docket HM-144 and now including Docket HM-174 and Docket HM-175, that accident experience has been virtually eliminated. While the accident reduction might have occurred without requiring a large capacity safety relief valve in addition to high temperature thermal insulation (800 °F material), it is far from certain that the reduction would have occurred.

Since it is our view that the proposal of the AAR petition to amend the final rule to size safety valves in accordance with the AAR's study pose unnecessary and unacceptable safety risks, the petition is denied.

Issued in Washington, D.C. on October 29, 1984.

L.D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 84-28865 Filed 10-31-84; 8:45 am]

BILLING CODE 4910-60-M

49 CFR Part 178

[Docket No. HM-115, Amdt. Nos. 173-180, 177-63, 178-82, 179-36]

Cryogenic Liquids; Corrections and Revisions

Correction

In FR Doc. 84-27735 beginning on page 42733 in the issue of Wednesday, October 24, 1984, make the following correction: On page 42736, in the middle column, the formula in § 178.338-9(c)(3)(i) should read as set forth below:

$$q = [n(\Delta h) (85 - t_i)] / [t_i - t_r]$$

BILLING CODE 1505-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Determination of Threatened Status for the Ozark Cavefish (*Amblyopsis rosae*)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The U.S. Fish and Wildlife Service determines the Ozark cavefish (*Amblyopsis rosae*) to be a threatened species under the authority contained in the Endangered Species Act of 1973, as amended. This cavefish is presently known from 14 caves in six counties of the Springfield Plateau of southwest Missouri, northwest Arkansas, and northeast Oklahoma. This cavefish has apparently disappeared from over 40 percent of its historic locations. The causes of the decline appear to be habitat alteration and collectors. This determination implements the needed protection provided by the Endangered Species Act, as amended.

DATES: The effective date of this rule is December 3, 1984.

ADDRESSES: The complete file for this rule is available for inspection, by appointment, during normal business hours at the Endangered Species Field Station, U.S. Fish and Wildlife Service, Jackson Mall Office Center, Suite 316.