

performance. In contrast, Volkswagen observed that "[t]he greater overall size of the 4.2 liter engine and transaxle combination versus the 2.8 liter V6 actually reduces the available crush space at the back of the engine/transaxle system and alters the crash deceleration pulse." Volkswagen contended that "[t]he effect of such crash pulse differences is greater on an unbelted dummy than on a belted dummy," and "[f]or that reason verification of compliance to FMVSS 208 of the S6 vehicle with the 4.2 liter V8 engine would require a crash test." Additionally, Volkswagen asserted that contrary to Champagne's claim, there is no design feature incorporated into Audi vehicles "for the engine and drivetrain to be directed downward and rearward under the passenger compartment to minimize their effect on the safety characteristics of the frontal crush zone."

NHTSA has fully considered the comments from both Volkswagen and Champagne. In light of Volkswagen's claim that a 1995 Audi S6 Avant Quattro Wagon equipped with a 4.2 liter V8 engine has never been subjected to the dynamic test requirements of Standard No. 208, Champagne had the burden of producing test data or other information to demonstrate that the vehicle is capable of meeting those requirements when equipped with that engine. Champagne's plain assertion that the 4.2 liter V8 engine is close to the size and weight of the 2.2 liter 5 cylinder engine installed in the U.S. certified 1995 Audi A6 Quattro, and is located the same distance from the firewall as the 2.8 liter V6 engine installed in the U.S. certified 1995 Audi S6 Quattro, without further supporting information, is not sufficient to meet this burden. Accordingly, NHTSA has concluded that the petition does not clearly demonstrate that the non-U.S. certified 1995 Audi S6 Avant Quattro Wagon is eligible for importation. The petition must therefore be denied under 49 CFR 593.7(e).

In accordance with 49 U.S.C. 30141(b)(1), NHTSA will not consider a new import eligibility petition covering this vehicle until at least three months from the date of this notice.

**Authority:** 49 U.S.C. 30141(a)(1)(A) and (b)(1); 49 CFR 593.7; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: March 20, 1997.

**Marilynne Jacobs,**

*Director, Office of Vehicle Safety Compliance.*  
[FR Doc. 97-7579 Filed 3-25-97; 8:45 am]

BILLING CODE 4910-59-P

## Research and Special Programs Administration

[Notice No. 97-1]

### Hazardous Materials Transportation; Registration and Fee Assessment Program

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

**ACTION:** Notice of filing requirements.

**SUMMARY:** The Hazardous Materials Registration Program will enter registration year 1997-98 on July 1, 1997. Persons who transport or offer for transportation certain hazardous materials are required to annually file a registration statement and pay a fee to the Department of Transportation. Persons who registered for the 1996-97 registration year will be mailed a registration statement form and informational brochure in May.

**FOR FURTHER INFORMATION CONTACT:** David W. Donaldson, Office of Hazardous Materials Planning and Analysis, DHM-60 (202-366-4109), Hazardous Materials Safety, 400 Seventh Street SW., Washington, DC 20590-0001, or by E-mail to REGISTER@rspa.dot.gov.

**SUPPLEMENTARY INFORMATION:** This notice is intended to notify persons who transport or offer for transportation certain hazardous materials of an annual requirement to register with the Department of Transportation. Each person, as defined by the Federal hazardous materials transportation law (49 U.S.C. 5101 *et seq.*), who engages in any of the specified activities relating to the transportation of hazardous materials is required to register annually with the Department of Transportation and pay a fee. The regulations implementing this program are in Title 49, Code of Federal Regulations, §§ 107.601-107.620.

Proceeds from the fee are used to fund grants to State, local, and Indian tribal governments for emergency response training and planning. Grants were awarded to all states, three territories, and 15 Native American tribes during FY 1996. By law, 75 percent of the Federal grant monies awarded to the States is further distributed to local emergency response and planning agencies. The FY 1995 funds helped to provide: (1) Training for 121,000 emergency response personnel; (2) approximately 500 commodity flow studies and hazard analyses; (3) 4,500 emergency response plans updated or written for the first time; (4) assistance to 2,150 local emergency planning committees; and (5) 770 emergency exercises.

The persons affected by these regulations are those who offer or transport in commerce any of the following materials:

A. Any highway route-controlled quantity of a Class 7 (radioactive) material;

B. More than 25 kilograms (55 pounds) of a Division 1.1, 1.2, or 1.3 (explosive) material in a motor vehicle, rail car, or freight container;

C. More than one liter (1.06 quarts) per package of a material extremely toxic by inhalation (that is, a "material poisonous by inhalation" that meets the criteria for "hazard zone A");

D. A hazardous material in a bulk packaging having a capacity equal to or greater than 13,248 liters (3,500 gallons) for liquids or gases or more than 13.24 cubic meters (468 cubic feet) for solids; or

E. A shipment, in other than a bulk packaging, of 2,268 kilograms (5,000 pounds) gross weight or more of a class of hazardous materials for which placarding of a vehicle, rail car, or freight container is required for that class.

The following persons are excepted from the registration requirement:

A. Agencies of the Federal Government;

B. Agencies of States;

C. Agencies of political subdivisions of States;

D. Employees of those agencies listed in A, B, or C with respect to their official duties;

E. Hazmat employees, including the owner-operator of a motor vehicle which transports in commerce hazardous materials if that vehicle, at the time of those activities, is leased to a registered motor carrier under a 30-day or longer lease as prescribed in 49 CFR Part 1057 or an equivalent contractual relationship; and

F. Persons domiciled outside the United States who offer, solely from locations outside the United States, hazardous materials for transportation in commerce, if the country in which they are domiciled does not impose registration or a fee upon U.S. companies for offering hazardous materials into that country. However, persons domiciled outside the United States who carry the types and quantities of hazardous materials that require registration within the United States are subject to the registration requirement.

The 1996-97 registration year ends on June 30, 1997. The 1997-98 registration year will begin on July 1, 1997, and end on June 30, 1998. Any person who engages in any of the specified activities during the 1997-98 registration year

must file a registration statement and pay the associated fee of \$300.00 before July 1, 1997, or before engaging in any of the activities, whichever is later. All persons who registered for the 1996-97 registration year will be mailed a registration statement form and an informational brochure in May 1997. Other persons wishing to obtain the form and any other information relating to this program should contact RSPA at the address given above. The brochure and form can also be downloaded from the RSPA registration Internet home page at <http://ohm.volpe.dot.gov/ohm/register.htm>.

The registration statement has not been revised for the 1997-98 registration year. Registrants should file a registration statement and pay the associated fee at least four weeks before July 1, 1997, in order to ensure that a 1997-98 certificate of registration has been obtained by that date to comply with the recordkeeping requirements. These include the requirement that the registration number be made available on board each truck and truck tractor (not including trailers and semi-trailers) and each vessel used to transport hazardous materials subject to the registration requirements. A certificate of registration is generally mailed within ten days of RSPA's receipt of a properly completed registration statement.

Persons who engage in any of the specified activities during a registration year are required to register for that year. Persons who engaged in these activities during registration year 1992-93 (September 16, 1992, through June 30, 1993), 1993-94 (July 1, 1993, through June 30, 1994), 1994-95 (July 1, 1994, through June 30, 1995), 1995-96 (July 1, 1995, through June 30, 1996), or 1996-97 (July 1, 1996, through June 30, 1997), and have not filed a registration statement and paid the associated fee of \$300.00 for each year for which registration is required should contact RSPA to obtain the required form (DOT F 5800.2). A copy of the form that will be distributed for the 1997-98 registration year may be used to register for previous years. Persons who fail to register for any registration year in which they engaged in such activities are subject to civil penalties for each day a covered activity is performed. The legal obligation to register for a year in which any specified activity was conducted does not end with the registration year.

Issued in Washington, DC, on March 21, 1997.

**Alan I. Roberts,**

*Associate Administrator for Hazardous Materials Safety.*

[FR Doc. 97-7664 Filed 3-25-97; 8:45 am]

BILLING CODE 4910-60-P

## Actions on Exemption Application

**AGENCY:** Research and Special Programs Administration, D.O.T.

**ACTION:** Notice of actions on exemption applications.

**SUMMARY:** In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given of the actions on exemption applications in February-June 1996. The modes of transportation involved are identified by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft. Application numbers prefixed by the letters EE represent applications for Emergency Exemptions. Issued in Washington, DC, on February 26, 1997.

**J. Suzanne Hedgepeth,**

*Director, Office of Hazardous Materials, Exemptions and Approvals.*

## MODIFICATION AND PARTY TO EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
3216	DOT-E 3216	E.I. DuPont de Nemours & Co., Wilmington, DE.	49 CFR 173.314(c) .....	Authorizes the use of a DOT Specification 110A300W tank car tank for transportation of certain compressed gases. (modes 1,3).
3630-P	DOT-E 3630	Mallinckrodt Baker, Inc., Phillipsburg, NJ.	49 CFR 177.839(a), 177.839(b).	To become a party to exemption 3630 (mode 1).
4453-P	DOT-E 4453	Blastrite Services, Inc., Van Wyck, SC.	49 CFR 172.101, 173.62, 176.415, 176.83, Column (8C).	To become a party to exemption 4453 (modes 1, 2, 3).
4453-P	DOT-E 4453	Rimrock Explosives, Inc., Hayden Lake, ID.	49 CFR 172.101, 173.62, 176.415, 176.83, Column (8C).	To become a party to exemption 4453 (modes 1, 2, 3).
4453-P	DOT-E 4453	Southern Explosives Corporation, Glasgow, KY.	49 CFR 172.101, 173.62, 176.415, 176.83, Column (8C).	To become a party to exemption 4453 (modes 1, 2, 3).
4453-P	DOT-E 4453	United Explosives Company of Ohio, Findlay, OH.	49 CFR 172.101, 173.62, 176.415, 176.83, Column (8C).	To become a party to exemption 4453 (modes 1, 2, 3).
4453-P	DOT-E 4453	Explosives Energies, Inc., Greenfield, MO.	49 CFR 172.101, 173.62, 176.415, 176.83, Column (8C).	To become a party to exemption 4453 (modes 1, 2, 3).
4453-P	DOT-E 4453	Explosives Energies, Inc., dba Arkansas Explosives, Mabelvale, AR.	49 CFR 172.101, 173.62, 176.415, 176.83, Column (8C).	To become a party to exemption 4453 (modes 1, 2, 3).
4453-P	DOT-E 4453	Explo-Tech, Inc., Spring City, PA.	49 CFR 172.101, 173.62, 176.415, 176.83, Column (8C).	To become a party to exemption 4453 (modes 1, 2, 3).
4453-P	DOT-E 4453	North Star Explosives, Ketchikan, AK.	49 CFR 172.101, 173.62, 176.415, 176.83, Column (8C).	To become a party to exemption 4453 (modes 1, 2, 3).