DEPARTMENT OF TRANSPORTATION
HAZARDOUS MATERIALS REGULATIONS BOARD
WASHINGTON, D.C. 20590

[Docket No. HM-26, Amdts. 173-15, 178-6]

PART 173—SHIPPERS

PART 178—SHIPPING CONTAINER SPECIFICATIONS

Specification 50X Portable Tanks and 4B240X Cylinders

The purpose of this amendment to the Hazardous Materials Regulations of the Department of Transportation is to cancel the regulation which authorizes (1) the use of specification 50X portable tanks for butane, and (2) cancel Appendices A and A1 to Subpart C of Part 178 pertaining to the construction requirements for specification 4B240X cylinders and specification 50X portable tanks.

On July 16, 1969, the Hazardous Materials Regulations Board published a notice of proposed rule making, Docket No. HM-26; Notice No. 69-18 (34 F.R. 11978) which proposed to delete references in the regulations to the authorized use and construction of specification 4B240X cylinders and 50X portable tanks. It appeared to the Board that the appendices and special authorization mentioned therein no longer served any valid purpose and that they should be deleted.

Interested persons were afforded an opportunity to participate in this rule making. Owners or users of either of the two types of containers were invited to submit information pertinent to number of containers used, type of service, and retest data.

Of the comments received, no exceptions were taken to canceling the regulation pertaining to the construction of specification 4B240X cylinders and 50X portable tanks nor to withdrawing the provision allowing the continued use of existing specification 50X portable tanks.

Three commenters urged retention of the provisions of §§ 173.301(h) and 173.304(d)(3)(i) authorizing continued use of existing specification 4B240X cylinders in liquefied petroleum gas service. They indicated that several thousand specification 4B240X cylinders are currently in use and that experience with these cylinders over the years has been favorable. These commenters indicated that, from a design standpoint, the specification 4B240X cylinder is equivalent to specification 4BA cylinders.

In view of these comments and in the absence of any adverse safety record, the Board agrees that specification 4B240X cylinders should continue to be authorized as presently prescribed.

In consideration of the foregoing, Parts 173 and 178 of Title 49 of the Code of Federal Regulations are amended, effective December 31, 1969, as set forth below.

I. Part 173 is amended as follows:

(A) In § 173.32, paragraph (d) is canceled as follows:

§ 173.32 Qualification, maintenance, and use of portable tanks.

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(d) [Canceled]

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§ 173.304 [Amended]

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(B) In § 173.304, paragraph (d)(3)(i) the following parenthetical phrase is deleted: "(see Appendix A-1 to Subpart C of Part 178 of this chapter)." The remainder of the paragraph remains the same.

II. Part 178 is amended as follows:

(A) In the Table of Contents, Appendices A and A1 following § 178.68 are canceled.

(B) In Part 178, Subpart C, Appendices A and A1 are canceled in their entirety.

(Secs. 831-835, 18 U.S.C., sec. 9, Department of Transportation Act (49 U.S.C. 1657), title VI, sec. 902(h), Federal Aviation Act of 1958 (49 U.S.C. 1421-1430 and 1472(h))

Issued in Washington, D.C., on October 24, 1969.

P. E. TRIMBLE,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

Issued in Washington, D.C., on October 24, 1969.

R. W. WHITMAN,
Administrator,
Federal Railroad Administration.

Issued in Washington, D.C., on October 24, 1969.

E. H. HOLMES,
Acting Federal
Highway Administrator.

Issued in Washington, D.C., on October 24, 1969.

SAM SCHNEIDER,
Board Member, For the
Federal Aviation Administration.

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