



DEPARTMENT OF TRANSPORTATION
 RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION
 WASHINGTON, D.C. 20590

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DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 171, 173, 174, 176, and 178

[Docket No. HM-167; Amdt. Nos. 171-60, 173-144, 174-40, 176-13, 178-65]

Intermodal Portable Tanks; Correction

AGENCY: Materials Transportation Bureau (MTB), Research and Special Programs Administration, DOT.

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule issued under Docket HM-167, Intermodal Portable Tanks, which was published in the Federal Register on Thursday, January 29, 1981 (46 FR 9880). This action is necessary to correct editorial errors in the section references; correct certain omissions, and to clarify certain requirements. In addition, the IM Tank Table which was published separately from Docket HM-167 (available from the Associate Director for Hazardous Materials Regulation through the Dockets Branch (DCA-22)), also contains references which need clarification. Consequently, a correction to the IM Tank Table will be issued and will be available through the Dockets Branch after May 1, 1981. These changes will not impose an undue burden on persons affected by the regulations.

EFFECTIVE DATE: May 1, 1981.

FOR FURTHER INFORMATION CONTACT: Richard C. Barlow (202-755-4906) or Hattie L. Mitchell (202-426-2075), Office of Hazardous Materials Regulation, Materials Transportation Bureau, 400 Seventh Street, S.W., Washington, D.C. 20590. Office hours are 8:00 a.m. to 4:30 p.m. Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Since the publication of the final rule under Docket HM-167, several discrepancies have surfaced which include incorrect section references, typographical errors, and unclear phrases within sections. To cause the changes do not impose additional requirements, public notice is not necessary. The MTB has determined that there is not environmental impact and no significant economic impact associated with these changes.

The following is a summary of the corrections made in Docket HM-167 appearing on page 9880 in the January 29, 1981, issue of the Federal Register.

Part 171

In § 171.7, a paragraph designation is corrected.

Part 173

In § 173.32a, paragraph (e)(1)(ii) is revised to clarify that the requirements for welded joints in tank shells are only intended to apply to new construction of IM portable tanks. Paragraph (e)(3) is revised to provide for tanks that do not meet the specifications for reasons other than those exceptions listed in § 173.32a (e)(1), but otherwise have been designed for a level of safety equivalent to that provided by specification tanks, and may be re-marked (certified) as a DOT specification IM 101 or IM 102 portable tank upon approval by the Associate Director for HMR.

In § 173.118a, a paragraph designation is corrected.

In § 173.190, a paragraph is added to authorize the shipment of phosphorus, white or yellow, in IM 101 portable tanks.

In § 173.266, paragraph (a)(3) is corrected to specify the correct percentage of hydrogen peroxide by weight as 60 percent.

In § 173.272, a paragraph designation is corrected.

In item numbers 25 and 26, certain paragraph designations are added or corrected.

Part 176

In § 176.76, paragraph (g)(2), the 55,000 pound gross weight restriction is removed.

Part 178

In § 178.270-2, paragraph (e) is corrected to clarify when a jacket is needed and the introductory text to paragraph (f) is corrected to clarify if a tank is lined, the lining material must meet the specified requirements.

In § 178.270-7, a typographical error is corrected.

In § 178.270-11(d)(1), the first sentence is corrected by removing the reference to diameter. This removes the confusion created by designating a valve diameter without specifying which diameter. The minimum flow capacity is sufficient to limit the minimum size of the valve. Paragraph (d)(5) is corrected in response to a commenter in a petition for reconsideration and clarifies the fact that the insulation and the jacket together must be effective at 1200F. and the jacket by itself must withstand 1200°F.

In § 178.270-12(b), a clerical error is corrected.

In § 178.270-13(c) (1) and (2), the paragraph headings are changed to avoid confusion with terms used in the regulations of the International Convention for Safe Containers. Also, in § 178.270-13(c)(1), the first sentence is changed to correct an error in the test procedure.

In consideration of the foregoing, FR Document 81-2734 published January 29, 1981 (46 FR 9880) and Parts 173 and 176 of Title 49 Code of Federal Regulations are corrected and amended as follows:

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

§ 171.7 [Corrected]

1. In § 171.7, paragraph "(d)(23)" is corrected to read "(d)(24)."

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

2. Section 173.32a is corrected by revising paragraphs (e)(1)(ii) and (e)(3) to read as follows:

§ 173.32a Approval of specification IM portable tanks.

* * * * *

(e) * * *

(1) * * *

(ii) Any IM portable tank which is modified or re-rated and brought into full conformance with IM 101 or IM 102 specification except that compliance with the ASME weld procedure and welder performance qualifications is not required;

* * * * *

(3) If an IM portable tank covered by an exemption cannot meet the appropriate requirements specified in paragraph (e)(1) of this section, the owner or manufacturer of the portable tank shall advise the Associate Director for HMR before September 1, 1981, giving the reasons why the necessary modification cannot be made. After reviewing this notification, the Associate Director for HMR may authorize the tank to be re-marked (certified) as a DOT specification IM 101E * * * * or IM 102E, * * * * as applicable (with the asterisks replaced by the DOT exemption number).

* * * * *

§ 173.118a [Corrected]

3. In § 173.118a, paragraph "(b)(4)" is corrected to read, "(b)(5)."

4. In § 173.190, paragraph (b)(5) is

added to read as follows:

§ 173.190 Phosphorus, white or yellow.

(b)

(5) Specification IM 101 portable tanks (§§ 178.270, and 178.271 of this subchapter) are authorized under the conditions specified in the IM Tank Table. The material must be immersed in water or blanketed with an inert gas and be loaded at a temperature not exceeding 140°F. After unloading, the tank must be filled with an inert gas or water having a temperature not exceeding 140°F.

§ 173.266 [Corrected]

5. In § 173.266, paragraph (a)(3) is corrected by changing "70 percent" to read "60 percent."

§ 173.272 [Corrected]

6. In § 173.272, paragraph "(i)(29)" is corrected to read "(i)(30)."

7. In item number 25, the following paragraph references are corrected to read as follows:

- "§ 173.263(a)(30)" is corrected to read "§ 173.263(a)(31)"
- "§ 173.264(a)(20)" is corrected to read "§ 173.264(a)(21)"
- "§ 173.270(a)(6)" is corrected to read "§ 173.270(a)(3)"
- "§ 173.271(a)(19)" is corrected to read "§ 173.271(a)(20)"
- "§ 173.290(a)(3)" is corrected to read "§ 173.290(a)(4)"
- "§ 173.294(a)(12)" is corrected to read "§ 173.294(a)(4)"

8. In item number 25, "§§ 173.277(a)(9)", and "173.295(a)(13)" are added.

9. In item number 28, the following paragraph references are corrected as follows:

- "§ 173.131(a)(2)" is corrected to read "§ 173.131(a)(3)"
- "§ 173.245(a)(35)" is corrected to read "§ 173.245(a)(37)"

PART 178—CARRIAGE BY VESSEL

§ 178.76 [Amended]

10. In § 178.76, paragraph (g)(2) is removed.

PART 178—SHIPPING CONTAINER SPECIFICATIONS

11. Section 178.270-2 is corrected by revising paragraphs (e) and (f) to read as follows:

§ 178.270-2 General.

(e) When credit is taken for insulation to reduce the required emergency venting capacity of safety relief devices, the insulation must be jacketed or otherwise protected from the

accumulation of moisture or foreign matter that would decrease its efficiency or corrode the tank.

(f) Each portable tank that has a lining must have a lining material that meets the following requirements:

§ 178.270-7 [Corrected]

12. In § 178.270-7, the word "or" in the last sentence is changed to "and."

13. Section 178.270-11 is corrected by revising the first sentence in paragraph (d)(1) and (d)(5) to read as follows:

§ 178.270-11 Pressure and vacuum relief devices.

(d)

(1) *Pressure relief valves (spring loaded).* Each pressure relief valve must have a minimum vent capacity of at least 170 standard cubic meters per hour (SCMH) (6,000 standard cubic feet per hour (SCFH)).

(5) *Insulation systems, used for the purpose of reducing the venting capacity, must be approved by the approval agency. In all cases, insulation systems approved for this purpose must:*

§ 178.270-12 [Corrected]

14. In § 178.270-12, paragraph (b), fourth line from the top of page 2998, "to" is changed to read "of."

15. In § 178.270-13, the italicized "subparagraph headings in (c) (1) and (2) the introductory sentence in paragraph (c)(1), are corrected to read as follows:

§ 178.270-13 Testing.

(c)

(1) *Longitudinal inertia.* "The tank loaded to its maximum gross weight must be positioned with its longitudinal axis vertical."

(2) *Lateral inertia.*

(49 U.S.C. 1803, 1804, 1806; 49 CFR 1.53 and Appendix A to Part 1)

Note.—The Materials Transportation Bureau has determined that since these corrections do not impose additional requirements, this document will not result in a "major rule" under the terms of Executive Order 12291 and is not a significant regulation under DOT's regulatory policy and procedures (44 FR 11034), nor require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et seq.). A regulatory evaluation and an environmental assessment are available for review in the docket.

Issued in Washington, D.C., on April 23, 1981.

Alan L. Roberts,

Acting Director, Materials Transportation Bureau.

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