Federal Communications Commission.
Kathleen B. Levitz,
Deputy Chief, Policy and Rules Division, Mass Media Bureau.
[FR Doc. 90-20410 Filed 8-28-90; 8:45 am]
BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 173

[Docket No. HM-175A; Advance Notice No. 90-13]

RIN 2137-AB89

Specifications for Tank Car Tanks; Supplemental Notice

AGENCY: Research and Special Programs Administration (RSPA), Department of Transportation.

ACTION: Supplemental advance notice of proposed rulemaking (SANPRM); request for additional comments; extension of time to file comments.

SUMMARY: RSPA and the Federal Railroad Administration are considering the development of regulations that would improve the level of safety of tank car tanks. The intended effect of these proposed regulations would be to reduce the risk of violent rupture and the release of hazardous materials when tank car tanks are involved in accidents. On May 15, 1990, RSPA published an advance notice of proposed rulemaking in the Federal Register (55 FR 20242) under docket No. HM-175A, Notice No. 90-8, that solicits comments on the costs and safety benefits of revising the specifications for tank car tanks.

This SANPRM solicits comments on the costs and safety benefits that would be derived if the Hazardous Materials Regulations (HMR; 49 CFR parts 171-180) are amended to (1) Prohibit bottom outlets on new and existing tank car tanks used to transport certain hazardous materials; (2) establish a maximum permissible safety relief valve capacity for materials that are toxic by inhalating; (3) require that, for new and existing tank car tanks, the exterior surface of a carbon steel tank and the inside surface of a carbon steel jacket be given a protective coating when foam-in-place insulation is applied; and (4) permit reductions in the safety vent size, or increases in the tank test pressure and vent bursting pressure, on new and existing tank car tanks used to transport certain hazardous materials.

DATE: Comments on the proposals published under Docket No. HM-175A, Notice 90-8, and on the proposals contained herein must be received on or before January 4, 1991.

ADDRESS: Address comments to the Dockets Unit, Research and Special Programs Administration, Department of Transportation, Washington, DC 20590-0001. Comments should identify the docket and notice number and be submitted, if possible, in five copies. Persons wishing to receive confirmation of receipt of their comments should include a self-addressed stamped postcard. The Dockets Unit is located in room 8417 of the Nassif Building, 400 7th Street SW., Washington, DC 20590-0001. Public dockets may be reviewed between the hours of 8:30 a.m. and 5 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Philip Olekszyk, Deputy Associate Administrator for Safety, Federal Railroad Administration, RRS-2, Washington, DC 20590-0001, Telephone (202) 366-0897.

SUPPLEMENTARY INFORMATION:

Background

On May 15, 1990, the Research and Special Programs Administration (RSPA) published an advance notice of proposed rulemaking (ANPRM) in the Federal Register (55 FR 20242) under Docket HM-175A, Notice No. 90-8, to solicit comments on the costs and safety benefits of revising the specifications for tank car tanks. The ANPRM requested that commenters submit to RSPA specific written comments on ten questions on or before August 21, 1990.

Several commenters—the Railway Progress Institute, the Association of American Railroads (AAR), the Chemical Manufacturers Association, the American Petroleum Institute, the Hazardous Materials Advisory Council, the National Industrial Transportation League, and the Compressed Gas Association—have requested additional time to evaluate the proposal contained in the ANPRM. To provide for additional analysis, RPA is reopening the date for comments on porposals contained in the ANPRM to January 4, 1991. Comments on this SANPRM are also due by January 4, 1991.

Docket HM-181—Bottom Outlets and Safety Relief Valves

On May 5, 1987, November 6, 1987, and May 23, 1990, RSPA published notices in the Federal Register (52 FR 16482, 52 FR 42772, and 55 FR 21342) concerning various proposals addressing the transportation of hazardous material in tank car tank. One of the proposals would prohibit the use of bottom outlets on tank car tanks carrying materials that are toxic by inhalation, except that bottom outlets would be permitted for Division 2.3, Packing Group III materials. Bottom outlets would also be prohibited on tank car tanks transporting motor fuel anti-nock compounds. Another proposal would require tank car tanks transporting Division 2.3, Packing Group I or II materials to be equipped with thermal protection. A tank car tank owner could continue using the small relief valve currently prescribed if he applied extra thermal protection.

Several commenters recommended that the use of tank car tanks with bottom outlets should be prohibited for certain other materials. Another commenter stated: "bottom outlet protection does not cure the problem of lading from bottom outlets releasing in derailments. Even when there is bottom outlet protection, there have been examples where the bottom valve on a tank has been left open with the outlet capped. In a detailment when the piping is sheared off, the tank's contents have escaped through the open valve. Obviously, such a release would be avoided where there are no bottom outlets."

Several commenters recommended that, for materials toxic by inhalation, the use of large safety relief valves should be prohibited. One commenter argued: "DOT has not demonstrated, through safety analyses methods, these materials would not pose unacceptable risks if released through large volume safety relief valves."

This SANPRM solicits comments on the costs and safety benefits to be derived if (1) bottom outlets are prohibited on new and existing tank car tanks used to transport certain hazardous materials, and (2) if a maximum permissible safety release valve capacity is established for materials that are toxic by inhalation.

Protective Coatings for Tank Car Tanks Equipped With Foam-in-Place Insulation

Sections 179.100-4(a) and 179.200-4(a), in the current HMR, require that when insulation is applied to a tank car tank, the exterior surface of a carbon steel tank and the inside surface of a carbon steel jacket must be given a protective coating, unless a foam-in-place insulation that adheres to the tank or jacket is applied. The Federal Railroad Administration (FRA) and the AAR Tank Car Committee are aware of several instances of corrosion of the tank or the jacket where foam-in-place insulation without any protective coating has been applied. Because of the

corrosion problems, the AAR has adopted the following requirement in its Manual of Standards and Recommended Practices—Specifications for Tank Cars:

Tank car insulation systems, including foams, must not promote corrosion to steel when wet. Tank and jacket protective coatings are required. The tested pH of reacted foam-in-place insulation must be within the range of 5 to 9. The pH of the foam is tested when cured and granulated foam is boiled for one hour in deionized water, in a ratio of one part foam to 40 parts water by weight.

In addition, the AAR petitioned RSPA to amend the HMR to require the use of protective coatings when foam-in-place insulation is applied. In support of its petition for a rule change (Petition No. P-1083), the AAR stated:

protective coatings provide a continuous barrier between foam-in-place insulation and the steel surface. This barrier is needed because voids may occur when foam-in-place insulation is applied. Moisture could collect in a void, and if the foam insulation becomes acidic in the presence of moisture, galvanic corrosion of the steel might result if there is no protective coating providing a barrier.

The AAR petition contains no performance specifications for either the protective coating or the foam insulation. A commenter argued that the AAR petition should be modified to specify types of protective coatings that would prevent corrosion and would properly expand and contract. The commenter recommended the following regulatory language:

Tank car insulation systems which include foam insulation must also include a protective coating between the foam insulation and the steel tank jacket. This protective coating must be of a type which will withstand the contraction and expansion of temperature controlled tank cars and must not deteriorate in a mild acid environment.

This SANPRM solicits comments on the costs and benefits to be derived if, for new and existing tank car tanks, the exterior surface of a carbon steel tank and the inside surface of a carbon steel jacket are given a protective coatings when foam-in-place insulation is applied.

Safety Vent Redesign

A recurring problem in the rail transportation of hazardous materials is the premature failure of a rupture disc due to pressure surges and the subsequent release of hazardous materials through the ruptured disc. One promising concept to reduce the frequency of these rupture disc failures is to equip tank car tanks with surge chambers. However, at least for existing tank car tanks, the installation of a surge chamber will typically require that the approach channel to the safety vent be reduced from the 1¾ inch diameter currently prescribed in the HMR (§§ 179.201-7(b) and 179.220-19(c)). The AAR has petitioned RSPA to allow the approach channel to the safety vents to be equipped with an orifice having an effective diameter of at least 0.5 inch or an area at least 0.196 square inch on (1) Rubber lined or insulated tank car tanks transporting phosphoric acid with a concentration of 54% or greater, (2) insulated tank car tanks transporting sodium hydroxide solutions with a concentration of 50% or greater, and (3) rubber lined tank cars carrying hydrochloric acid with a concentration of 38% or less.

Notwithstanding the potential benefits of equipping tank car tanks with pressure surge devices, RSPA and FRA are concerned that the addition of an orifice plate upstream of a rupture disc may reduce the flow capacity to an unacceptable level. There are other methods (such as increased outage or increased tank and rupture disc test pressures) that might reduce the frequency of premature rapture disc failures without causing a reduction in flow capacity.

This SANPRM solicits comments on the costs and benefits to be derived if RSPA permits reductions in the safety vent size of increases in the tank test pressure and vent bursting pressure on new and existing tank car tanks used to transport certain hazardous materials.

Additional Information Desired by RSPA and FRA

In addition to the ten questions for which specific written comments were requested in the ANPRM, RSPA and the FRA request specific wirtten comments on questions 11 through 14 below. The supplementary remarks following questions 1 through 10 in the ANPRM are also applicable to questions 11 through 14.

11. What would be the costs and benefits of prohibiting bottom outlets on new and existing tank car tanks that are used to transport flammable gases, flammable liquids, pyrophoric liquids, corrosive liquids, and poisonous liquids? Commenters are requested to identify any specific groups of tank cars for which retrofit would be technologically or economically difficult and to discuss and document any such difficulties. Comments are requested on appropriate retrofit schedules and priorities. Commenters who believe that bottom outlets should be prohibited on tank car tanks carrying commodities other than those discussed above, are requested to identify those commodities and to discuss why they believe bottom outlets should not be allowed for those commodities.

12. What would be the costs and benefits of establishing maximum relief valve capacity requirements for new and existing tank car tanks used to transport materials toxic by inhalation? What criteria should be used to determine the maximum permissible relief valve capacity? Comments are also requested to identify any specific groups of cars for which retrofit would be technologically or economically difficult and to discuss and document any such difficulties. Comments are also requested on appropriate retrofit schedules and priorities.

13. What would be the costs and benefits of requiring that the exterior surface of a carbon steel tank and the inside surface of a carbon steel jacket be given a protective coating on new and existing tank car tanks equipped with foam-in-place isulation? If a protective coating requirement were established, what performance standards should be prescribed for the protective coating? Should restrictions be placed on the pH for reacted foam-in-place insulation systems? Commenters are requested to identify any specific groups of tank cars for which retrofit would be technologically or economically difficult and to discuss and document any such difficulties. Comments are also requested on appropriate retrofit schedules and priorities.

14. What would be the safety benefits and safety risks of permitting a reduction in the size of safety vent systems to accommodate pressure surge devices or an increase in tank test pressure and vent bursting pressure? Under what conditions, if any, should RSPA and FRA permit the elimination of the safety vent?

Issued in Washington, DC, on August 22, 1990, under authority delegated in 49 CFR part 106, appendix A.

Alan I. Roberts,

Director, Office of Hazardous Materials, Transportation.

[FR Doc. 90-20313 Filed 8-28-90; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 216

[Docket No. 900807-0207]

RIN 0648-AD42

Feeding Wild Populations of Marine Mammals

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Proposed rule.

SUMMARY: NMFS is proposing regulations that would amend the definition of "take" to include feeding marine mammals in the wild. Under th Marine Mammal Protection Act (MMPA), NMFS is responsible for the management and protection of whales, dolphins, porpoise, seals and sea lions.