DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 179

[Docket No. HM-174; Amdt. No. 179-30]

Specifications for Tank Cars

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

ACTION: Amendment of final rule; extension of the compliance date.

SUMMARY: This document amends the final rule published on January 26, 1981 (46 FR 8005) and revised on August 24, 1981 (46 FR 42678), which established certain construction standards for railroad tank cars used to transport hazardous materials. The amendment extends the compliance date for equipping newly constructed DOT specification 105 tank cars, built to carry ethylene oxide, with a safety valve sized in accordance with 49 CFR 179.106-2(c)(4). The compliance date is extended from September 1, 1982, until September 1, 1983. The extension will permit completion of a study by the Association of American Railroads (AAR) concerning the optimum sizing for the safety valve on cars built to carry ethylene oxide. This action is taken by MTB in response to the AAR's petition for an extension of the compliance date in the final rule.

EFFECTIVE DATE: August 31, 1982.

FOR FURTHER INFORMATION CONTACT: Leavitt A. Peterson (Office of Safety), Federal Railroad Administration, 400 Seventh Street, SW., Washington, D.C. 20590, (202) 426-0897.

SUPPLEMENTARY INFORMATION: On January 26, 1981, MTB issued a final rule establishing certain construction standards for DOT specification 105 tank cars built to carry specified commodities. The construction standards include a safety valve sizing requirement for DOT specification 105 tank cars built to carry ethylene oxide. The final rule required that after August 31, 1981, each DOT specification 105 ethylene oxide tank car shall be constructed with a safety valve sized in accordance with 49 CFR 179.106-2(c)(4).

After publication of the final rule, MTB received several petitions for reconsideration of the final rule. These petitions addressed, among other things, the safety valve sizing requirement for ethylene oxide. The petitioners argued that the larger safety valve for ethylene oxide would be less safe because of the peculiar commodity characteristics. They also argued that the valve sizing equation in the rule should not be applied because ethylene oxide is a liquid while the equation is designed for gases.

While MTB and the FRA were not persuaded that these arguments were adequately supported, the compliance date was extended from September 1, 1981 until September 1, 1982 (46 FR 42678). The extension was granted to permit the AAR Tank Committee and other interested parties an opportunity to study the question of safety valve sizing for ethylene oxide and to submit the results for review and consideration.

During the past year, an Ad Hoc Committee of the AAR Tank Car Committee has conducted an extensive study of safety valve sizing. This significant research effort appears to show great promise. An interim report was furnished to MTB and the FRA on August 3, 1982. However, completion of a final report will require additional time. As a consequence, AAR petitioned MTB for an extension of the compliance date for the ethylene oxide safety valve sizing requirement.

MTB is extending the compliance date from September 1, 1982 until September 1, 1983 so that the current research effort can be completed by the AAR and thoroughly evaluated by MTB and the FRA before final action is taken. The evidence now available indicates that the extension is consistent with safety necessary for completion of the report detailing the research conducted over the past year, and warranted to develop data useful in making a final determination about safety valve sizing on ethylene oxide cars. MTB requests that the AAR's final report be submitted not later than February 1, 1983.

The final rule extending the compliance date shall become effective in less than 30 days on August 31, 1982. MTB has determined that this final rule relieves a restriction. MTB has also determined that there is good cause for making the rule effective in less than 30 days since the imposition on September 1, 1982 of the safety-valve requirement contained in 49 CFR 179.106-2(c)(4) could disrupt the construction of DOT specification 105 tank cars built to carry ethylene oxide.

List of Subjects in 49 CFR Part 179

Railroad safety.

PART 179—SPECIFICATIONS FOR TANK CARS

In consideration of the foregoing, § 179.102-12(a)(9) of Part 179 of Title 49, Code of Federal Regulations, is amended, effective August 31, 1982, as follows:

§ 179.102-12 [Amended]

* * * * *

(a) * * *

(9) Each tank car built after August 31, 1981, shall be constructed in accordance with class 105J, except that the safety relief valve requirements of § 179.106-2(c)(4) shall not apply. Each tank built after August 31, 1983, shall be constructed in accordance with class 105J.

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53, Appendix A to Part 1)

Note.—The Material Transportation Bureau has determined that this document will not result in a "major rule" under the terms of Executive Order 12291 and does not require a Regulatory Impact Analysis, nor does it require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 *et seq.*). I certify that this document will not have a significant economic impact on a substantial number of small entities. The regulatory evaluation and an environmental assessment for the actions taken in HM-174 are available for review in the docket.

Issued in Washington, D.C., on August 26, 1982.

L. D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 82-23662 Filed 9-1-82; 8:45 am]

BILLING CODE 4910-60-M