

DEPARTMENT OF TRANSPORTATION**Research and Special Programs
Administration****49 CFR Parts 100 through 199****[Docket HM-177]****Trailer-on-Flatcar Transportation of
Hazardous Materials****AGENCY:** Materials Transportation
Bureau (MTB), Research and Special
Programs Administration, DOT.**ACTION:** Withdrawal of proposed
rulemaking.

SUMMARY: Docket HM-177 is closed without issuance of a final rule. The notice establishing Docket HM-177 announced a public hearing and solicited comments, data and test results on Trailer-on-Flatcar (TOFC) securement and the effect of a high center of gravity on the safe transportation of hazardous materials in TOFC service. The presentations at the public hearing and the written comments to Docket HM-177 failed to document any adverse shipping experience or safety related problems when transporting hazardous materials in TOFC service.

FOR FURTHER INFORMATION CONTACT: Hattie L. Mitchell, Standards Division, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Department of Transportation, Washington, DC 20590, (202) 426-2075.

SUPPLEMENTARY INFORMATION: On January 26, 1981, MTB published in the Federal Register a notice announcing a public hearing and soliciting comments, data, and test results on Trailer-on-Flatcar (TOFC) securement and the effect of a high center of gravity on the safe transportation of hazardous materials in TOFC service (46 FR 8055). In the Notice, MTB requested that commenters address certain specific factors in relation to TOFC operations, including semitrailers (vans) and freight containers mounted on a chassis.

The Notice was in response to comments concerning the securement and center of gravity effect that were received from the Association of American Railroads (AAR) under Docket HM-167 "Intermodal Portable Tanks," and AAR's petitions for reconsideration of the issuance and renewal of certain DOT exemptions authorizing portable tanks in TOFC service. In its comments addressing an application for exemption, AAR stated that it believed there was an increased risk associated with TOFC securements, i.e., the securement of the portable tank to the motor vehicle chassis and the

securement of the motor vehicle chassis to the flatcar. In addition, AAR stated that " * * * the combined center of gravity for the flatcar, chassis, and container is approximately 139" and this grossly exceeds the 98" maximum center of gravity for freight cars allowed by paragraph 2.1.3, AAR Specification M-1002." AAR did not submit any calculations or test data to support its position. However, MTB felt that perhaps some of AAR's assertions had merit. Therefore, MTB prohibited TOFC service in the final rule in Docket HM-167 as an interim measure, and made TOFC service a separate new rulemaking action under Docket HM-177.

Three persons testified at the public hearing under Docket HM-177 which was held in Rosemont, Illinois on February 25, 1981. A representative of AAR stated that AAR took no exception to TOFC operations for intermodal portable tanks, retracting its previous position. The other two commenters did not present any technical information directly related to the factors listed in the Notice. Six written comments were received to the docket. In general, the commenters who addressed the factors listed in the Notice agreed that the combined center of gravity of a flatcar, chassis and portable tank does not exceed the 98" maximum specified for interchange service. Furthermore, the commenters indicated that they had no shipping experience that would indicate that "rock and roll" and double-interfacing securement systems presented any safety problem. No comments have been received since the April 2, 1981, closing date.

Subsequent to the public hearing, AAR submitted comments withdrawing its opposition to TOFC operations for intermodal portable tanks under Docket HM-177 and requested dismissal of the docket. After AAR withdrew its opposition, MTB could see no reason for not permitting TOFC service. An amendment subjecting TOFC service to the same approval requirement as required for container-on-flat car (COFC) service was published in the Federal Register under Docket HM-167 on April 30, 1981 (46 FR 24185).

In view of the foregoing, MTB concludes that adoption of a formal standard to further limit or restrict hazardous materials transportation in TOFC service is not justified. Docket HM-177 is hereby terminated.

[49 U.S.C. 1803, 1804, 1808; 49 U.S.C. 1.53, App. A to Part 1 and paragraph (a)(4) of App. A to Part 106]

Issued in Washington, D.C. on July 8, 1982.
Alan I. Roberts,
Associate Director for Hazardous Materials
Regulation, Materials Transportation Bureau
[FR Doc. 82-10182 Filed 7-14-82; 8:46 am]
BILLING CODE 4910-60-M