

Research and Special Programs Administration

49 CFR Part 178

[Docket No. HM-176; Amdt. 178-71]

Specification and Usage Requirements for 3 AL Seamless Aluminum Cylinders

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

ACTION: Final rule; response to a petition for reconsideration.

SUMMARY: The purpose of this final rule is to revise recently adopted regulations which require scalping on starting stock materials, and a 250 micron grain size on starting materials used in the manufacturing process of seamless aluminum cylinders. These regulation were promulgated in a final rule issued under Docket HM-176, Specification and Usage Requirements for 3AL Seamless Aluminum Cylinders, published on December 24, 1981 (46 FR 62452).

The effect of this rule is to rescind the scalping requirements and change the means of stating grain size limitations. MTB believes that this revision to the final rule will remove an unnecessary burden to the manufacturers of 3AL cylinders by eliminating an additional manufacturing process, that is not necessary in all cases.

EFFECTIVE DATE: July 2, 1982. Compliance is authorized beginning May 1, 1982.

FOR FURTHER INFORMATION CONTACT: Arthur Mallen, Chief, Technical Division, Office of Hazardous Materials Regulation, Materials Transportation Bureau, U.S. Department of Transportation, 400 7th Street, SW., Washington, D.C. 20590 (202-755-4906).

SUPPLEMENTARY INFORMATION: On December 24, 1981, MTB published the final rule on Specification and Usage Requirements for 3AL Seamless Aluminum Cylinders under Docket HM-176 (46 FR 62452) which established specification requirements for seamless aluminum cylinders made of prescribed alloys. The final rule eliminates the need for exemptions authorizing the use of over 3 million cylinders.

The Walter Kidde Company (Kidde) petitioned MTB to reconsider several provisions contained in Docket HM-176. A correction document to the rule, issued April 1, 1982 (47 FR 13816), addressed all but two of these provisions. The two unresolved issues, which relate to § 178.46-5, relate to the mandatory scalping requirement on starting stock that is produced by casting, and a 250 microns average

requirement for grain size. However, between issuance of the notice of proposed rulemaking and the final rule, MTB was provided little information in support of the opposition to these requirements. MTB requested additional supporting data which was received from Kidde subsequent to the publication of the correction document (47 FR 13816). MTB has carefully reviewed the supporting data it received with regard to such factors as inverse segregation (chemical depletion near surface) and surface irregularities, the two primary reasons for requiring scalping. Kidde has introduced controls in the quality of starting material which produces acceptable cylinders without performing the scalping operation, and has established a definitive procurement specification for the direct cast starting stock to be used in the manufacture of the 3AL specification, in accordance with the specification requirements. This specific data is available for public review in the Docket. The descriptive and quantitative limits established in the Kidde procurement specifications provide an independent inspector with the means of determining acceptability under § 178.46-5(b) for materials that will not be scalped.

While the grain size limitation requirement under § 178.46-5(f) is generally considered to be an important factor for the starting material of DOT specification cylinders, MTB agrees that the present wording in the rule, "250 microns average", does not provide the means for ensuring consistency in determining compliance. Because of the variations in grain configurations and sizes, a great deal of subjectivity is present in any judgment on the resultant "average" size; therefore, it is MTB's conclusion that a more appropriate wording should be based on "maximum" value even though it is not possible to designate a "maximum" grain size that would indicate a grain structure which would equate precisely to that obtained under the present criteria. However, a "500 micron maximum grain size" acceptance limit will assure about the same grain structure as is required by use of the present criteria. By specifying a maximum size in place of an average size, the acceptance level can be precisely determined, resulting in consistent control of grain size throughout the industry.

List of Subjects in 49 CFR Part 178

Hazardous materials transportation, packaging and containers.
Findings and Amendment

In consideration of the foregoing, MTB

hereby grants the requested revisions requested in the Walter Kidde Company's petition for reconsideration of certain of the final rules issued under Docket HM-176.

PART 178—SHIPPING CONTAINERS SPECIFICATIONS

In consideration of the foregoing, Part 178 of Title 49 Code of Federal Regulations is amended as follows:

1. In § 178.46-5, paragraphs (a) and (f) are revised to read as follows:

§ 178.46-5 Authorized material and identification of material.

(a) Starting stock must be cast stock or traceable to cast stock.

(f) Cast stock must have uniform equiaxed grain structure not to exceed 500 microns maximum.

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

Note.—The Materials Transportation Bureau has determined that this document (a) will not result in a "major rule" under the terms of Executive Order 12291; (b) is not a significant regulation under DOT's regulatory policy and procedures (44 FR 11034); and, (c) does not 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, 1982.

Alan I. Roberts,
Acting Director, Materials Transportation Bureau.

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