



DEPARTMENT OF TRANSPORTATION
MATERIALS TRANSPORTATION BUREAU
WASHINGTON, D. C. 20590

17735

[Docket No. HM-135; Amdt. Nos. 173-98,
177-36]

PART 173—SHIPPERS

PART 177—SHIPMENTS MADE BY WAY OF
COMMON, CONTRACT, OR PRIVATE
CARRIERS BY PUBLIC HIGHWAY

Certification of Cargo Tanks and Placarding
of Motor Vehicles

The purpose of these amendments to the Hazardous Materials Regulations of the Department of Transportation is to: (1) Permit pneumatic testing of Specifications MC 330 and MC 331 cargo tanks; (2) clarify the manufacturer's certificate retention requirements for Specification MC 330 cargo tanks, and (3) permit the placarding of motor vehicles containing shipments of less than 1,000 pounds of certain hazardous materials when such shipments are part of an intermodal movement by motor, water, or rail.

A petition has been received from Racon, Inc., requesting that § 173.33(e) be amended to permit pneumatic retesting of Specifications MC 330 and MC 331 cargo tanks used exclusively for certain refrigerant gases. The petitioner states that hydrostatic retesting causes a rust deposit in these tanks which must be removed by sandblasting before the tanks are returned to service. Such a procedure, petitioner claims, creates a destructive action which affects the integrity of the tank.

The Bureau believes the petition has merit, and further believes that the choice of using a pneumatic retest method should be available to all users of Specifications MC 330 and MC 331 cargo tanks, regardless of the commodities transported. Since section 177.824 presently permits a choice of retest methods for other specification cargo tanks, this amendment will give all cargo tank users the choice of retest method.

On December 2, 1974, Docket No. HM-110; Amendment Nos. 173-87 and 177-31 (39 PR 41741) was published by the Hazardous Materials Regulations Board which among other things added a new § 177.814 entitled "Retention of manufacturer's certificate and retest reports," requiring that each user of a cargo tank retain a copy of the tank manufacturer's certificate and all records from retesting the cargo tank. Section 177.814 referred to provisions in the specifications whereby a motor carrier could certify a cargo tank in place of a manufacturer's certification. The Board failed to recognize however, that the specifications for MC 330 and MC 331 cargo tanks do not provide for certification by other than the manufacturer of the cargo tank since these tanks are built according to the ASME Code, and only the tank manufacturer can certify compliance with the Code requirements. Therefore, § 177.814 is being changed to recognize this distinction by excepting specifications MC 330 and MC 331 tanks from carrier certification.

It has been brought to the Bureau's attention by a petition from the National LP-Gas Association, that the specification for MC 330 cargo tanks did not require a manufacturer's data report was required to indicate compliance with the ASME Code under which the tank was constructed. The petitioner points out that users of specification MC 330 cargo tanks cannot comply with § 177.814 because certificates were not required for these tanks, and because the users cannot test the tanks to determine if in fact they were built to the specification. Therefore, petitioner asks that § 177.814 be amended to provide that users of specification MC 330 tanks can copy the information imprinted on the identification plate and ASME data plate permanently attached to the tank, and retain this information in place of the original manufacturer's data report when such report is not available. The Bureau believes the petition has merit and is amending § 177.814 accordingly.

Section 177.823 presently prohibits the placarding of cargo tanks and motor vehicles containing less than 1,000 pounds of a hazardous material except for explosives, Class A and Class B; poisons, Class A and certain radioactive materials. Since the regulations of the U.S. Coast Guard and the Federal Railroad Administration require the placarding of containers and trailers containing any amount of these materials, shipments are often frustrated when moving between highway and water or highway and rail. In order to facilitate the ease of intermodal movement of hazardous materials, the Bureau is amending the highway placarding requirement to permit placarding for less than 1,000 pounds when the motor vehicle or cargo-carrying container has a prior or subsequent movement by water or rail.

Since these amendments will allow a retesting procedure that will have the effect of enhancing the integrity and safety of certain cargo tanks and because these amendments will provide for consistency between various Departmental regulations and remove an unwarranted frustration on the intermodal movement of hazardous materials, the Materials Transportation Bureau finds that notice and public procedure thereon are impracticable and unnecessary.

In addition, because these amendments are a relaxation of the existing rules and place no additional burden on any person, they are being made effective in less than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, Parts 173 and 177 of Title 49 CFR are amended as follows:

1. In § 173.33 paragraph (e) (2) is revised to read as follows:

§ 173.33 Cargo tank use authorization.

(e) * * *

(2) The tank less any fittings must be subjected to a hydrostatic or pneumatic pressure of one and one-half times the design pressure (maximum allowable working pressure or rated pressure) of the tank. For pneumatic testing, the test procedure specified in § 177.824(d) (3) of this subchapter shall be followed. When a pneumatic test is performed, suitable safeguards should be provided to protect employees and other persons should a failure occur.

2. In § 177.814 paragraphs (a) and (d) are revised to read as follows:

§ 177.814 Retention of manufacturer's certificate and retest reports.

(a) Each motor carrier who uses a cargo tank vehicle shall have in his files a certificate or manufacturer's data report signed by a responsible official of the manufacturer or fabricator of the cargo tank, or a competent testing agency, certifying that the cargo tank identified in the certificate was manufactured and tested in accordance with the requirements contained in the specification under which the cargo tank was constructed. The certificate and any other data furnished as required by the specification must be retained at the principal office of the carrier during the time that the cargo tank is used by the carrier and for one year thereafter.

(1) Except for specifications MC 330 and MC 331 cargo tanks, a motor carrier may himself perform the tests and inspections to determine whether the tank meets the requirements of the specification. If the motor carrier performs the tests and inspections and determines that the tank conforms to the specification, he may use the tank if he retains the test data, in place of a certificate, in his files at his principal office for as long as he uses the tank and one year thereafter.

(2) A motor carrier using a specification MC 330 cargo tank for which such carrier is unable to obtain the manufacturer's data report required by the specification may copy the information contained on the cargo tank's identification plate and ASME Code plate and retain such information as required by this section.

(3) Each motor carrier who uses a specification cargo tank which he does not own and has not tested or inspected shall obtain a copy of the manufacturer's certificate or manufacturer's data report and retain it in his files at his principal office during the time he uses the tank and for one year thereafter. A motor carrier using a specification MC 330 cargo tank which he does not own may copy the information contained on the cargo tank's identification plate and ASME Code plate if the manufacturer's data report is not available from the owner of the tank.

(d) A copy of retest and inspection reports required by §§ 173.33 and 177.824 of this subchapter and all records of repairs to each cargo tank vessel must be retained in the same file with the manufacturer's certificate or manufacturer's data report for that tank as specified in paragraph (a) of this section. This provision does not apply to a motor carrier leasing a cargo tank for less than 30 days if the lessor has the records required by this section in his files.

3. In § 177.823 paragraph (e) is added to read as follows:

§ 177.823 Required exterior marking on motor vehicles and combinations.

.

(e) A motor vehicle, trailer, or other cargo-carrying body, other than a cargo tank, containing less than 1,000 pounds of a flammable liquid, oxidizing material, compressed gas, or corrosive liquid, may be placarded as specified in paragraph (a) (1) of this section when such vehicle, trailer or cargo-carrying body has an immediate prior or subsequent movement by water or rail.

(18 U.S.C. 834; 49 CFR 1.53(g).)

Effective: These amendments are effective April 28, 1976.

Issued in Washington, D.C. on April 23, 1976.

JAMES T. CURTIS, Jr.,
Director,

Materials Transportation Bureau.

[FR Doc.76-12260 Filed 4-27-76;8:45 am]

FEDERAL REGISTER, VOL. 41, NO. 83—WEDNESDAY, APRIL 28, 1976

NATIONAL TRANSPORTATION
SAFETY BOARD
DEPARTMENT OF TRANSPORTATION
Washington, D.C. 20591
Official Business
PENALTY FOR PRIVATE USE, \$300

FORFEE AND FEE F.
NATIONAL TRANSPORTATION
SAFETY BOARD
DOT 513

