

DEPARTMENT OF TRANSPORTATION**Research and Special Programs Administration****49 CFR Parts 171, 172, 173, 174, 179**

[Docket No. HM-216; Notice No. 95-16]

RIN 2137-AC66

Transportation of Hazardous Materials By Rail; Miscellaneous Amendments**AGENCY:** Research and Special Programs Administration (RSPA), DOT.**ACTION:** Notice of Proposed Rulemaking (NPRM).

SUMMARY: RSPA is proposing to incorporate into the Department's Hazardous Materials Regulations (HMR) a number of changes to rail requirements based on rulemaking petitions from industry and RSPA initiatives. This action is necessary to update the regulations and to respond to petitions for rulemaking. The intended effect of these regulatory changes is to improve safety and reduce costs to offerors and transporters of hazardous materials.

DATES: Comments must be received on or before February 22, 1996.

ADDRESSES: Address comments to Dockets Unit (DHM-30), Hazardous Materials Safety, RSPA, U.S. Department of Transportation, Washington, DC 20590-0001. Comments should identify the docket and notice number and be submitted, when 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 8421 of the Nassif Building, 400 Seventh Street S.W., Washington, DC 20590-0001. Office hours are 8:30 am to 5:00 pm Monday through Friday, except on public holidays when the office is closed.

FOR FURTHER INFORMATION CONTACT: Beth Romo, telephone (202) 366-4488, Office of Hazardous Materials Standards, Research and Special Programs Administration, Washington DC, 20590-0001, or James H. Rader, telephone (202) 366-0510, Office of Safety Assurance and Compliance, Federal Railroad Administration, Washington DC, 20590-0001.

SUPPLEMENTARY INFORMATION: This document proposes miscellaneous changes to rail requirements contained in the HMR. These proposed changes are based either on petitions for rulemaking submitted in accordance with 49 CFR 106.31 or agency initiative and are intended to reduce regulatory

burdens by simplifying or updating existing regulations.

This rule, as proposed, is consistent with the goals of President Clinton's Regulatory Reinvention Initiative. The President directed Federal agencies to review all agency regulations and eliminate or revise those that are outdated or in need of reform. A notice issued April 4, 1995 by RSPA requested comments on regulatory reform (Docket HM-222; 60 FR 17049) and announced a comprehensive review of the HMR to identify provisions that are candidates for elimination, revision, clarification, or relaxation. Certain proposed changes in this document reflect the results of this review.

I. Summary of Proposed Regulatory Changes by Section

Listed below is a section-by-section summary of the proposed changes and, where applicable, the assigned petition number.

Part 171

Section 171.7. Various American Society for Testing and Materials (ASTM) standards would be updated to reflect the most current version. Other ASTM standards that no longer would be referenced in the proposed revision of § 179.12 would be removed.

Part 172

Section 172.101: The Hazardous Materials Table. In the Hazardous Materials Table, several entries would be revised based on petitions for rulemaking and agency initiative. Proposed revisions include:

- Twenty-nine entries would be revised by removing Special Provision B12 assigned to those entries in Column (7). This special provision requires the marking of tank cars with the proper shipping name or common name of the material. RSPA is proposing to limit the applicability of this marking requirement to certain materials that pose a higher risk in transportation.
- For the entry "Dimethylhydrazine, unsymmetrical", in Column (7) Special Provision B79 would be removed. "Dimethylhydrazine, unsymmetrical" currently is assigned Special Provisions B74 and B79. Special Provision B74 requires the use of a tank car conforming to a Class 105S, 106, 110, 112J, or 114J. Special Provision B79 requires each tank car to have a tank head puncture system if the tank was constructed prior to April 1, 1989. Because Special Provision B74 requires all tank cars to meet the requirements of B79,

referencing Special Provision B79 is unnecessary.

- For the entry for Calcium carbide, Special Provision B59 would be added for both Packing Group I and II entries. This special provision will authorize the continued use of Class AAR 207 tank cars for the transportation of calcium carbide after October 1, 1996.

Section 172.102. Special Provisions B4 and B10 would be revised to remove a prohibition on the use of Association of American Railroads (AAR) 206 tank cars. In the § 172.101 Hazardous Materials Table (HMT), each commodity assigned this special provision must be in a packaging authorized in § 173.243, which does not allow an AAR 206 tank car.

Special Provision B5 would be revised to authorize use of tank cars, constructed from other than aluminum plate, for ammonium nitrate fertilizer.

Consistent with proposed changes to tank car marking requirements discussed previously in conjunction with proposed changes to the Hazardous Materials Table, Special Provision B12 would be removed. The requirement to mark the proper shipping name or common name of a material on a tank car would be limited to certain materials that present a higher risk in transportation, as proposed in § 172.330.

Special Provisions B42, B65, B71, B72, B74, and B76 would be revised for clarity. RSPA and FRA have received numerous inquiries concerning the use of tank cars having higher test pressures than those authorized under these special provisions. RSPA is proposing to revise these provisions to clarify that any class tank car with a higher test pressure than authorized also may be used. Special Provisions B42, B65, and B76 also would be revised to authorize the optional marking of the tank to a lower pressure specification. The current regulations require the lower pressure specification marking for certain commodities. RSPA and FRA believe that tank cars qualified to meet a specific specification should be marked to indicate that specification. RSPA is proposing the optional marking requirement to authorize the remarking of qualified tank cars to the higher pressure specification. For example, currently tank cars transporting acetone cyanohydrin are required to conform to a DOT 105S, 112J, or 114J specification provided the tank test pressure is 300 psig or greater. In addition, the tank car specification must be remarked to indicate a tank test pressure of 200 psig, and each tank car must be equipped with a safety relief device having a start-