

§ 171.12a for transportation of Canadian shipments or packagings by rail car within the U.S.

Section 174.18. Section 174.18 concerning the handling of astray packages of hazardous materials is obsolete; therefore this section would be removed.

Section 174.24. Shipping paper requirements for rail carriers in Part 174 would be moved to Part 172. Revised § 174.24 would cross-reference shipping paper requirements in Part 172.

Section 174.25. When an accident occurs on the railroad, it is customary to identify the transport vehicle or freight container involved by the use of reporting marks. These marks are used for routing, cost accounting, and for tracing (or locating) individual shipments in the transportation system. If an emergency responder were to ask about the contents of an individual shipment by reporting mark, a rail carrier could provide immediate emergency response information, a copy of the shipping paper, routing information, and the name, telephone number, and location of the shipper. This information is much more detailed than simply conveying to the emergency responder the type of placard applied to the packaging. Consequently, RSPA proposes to remove the "placard notation" requirement since it is outdated for emergency response communication. Removing the placard notation requirement would not, however, prohibit individual rail carriers from adopting comparable requirements, if they so choose.

RSPA also is proposing to remove the requirement for a "placard endorsement" placed on a waybill near the reporting mark of each rail car, freight container, transport vehicle, or portable tank that contains a hazardous material when transported by rail. The current rule requires a unique endorsement based on the hazard class of the material shipped. Exceptions to the placard endorsement are provided for materials that do not require placarding (e.g., less than 1,001 pounds of a material listed in § 172.504 Table 2, in most types of transport vehicles or freight containers), Class 9 materials, and combustible liquids). RSPA is proposing to remove this requirement because technological advances in the railroad industry have made the use of the placard endorsement no longer necessary to communicate the presence of hazardous materials to railroad workers. As a general rule, railroads now use electronic data interchange and computer generated train consists (or manifests) to communicate the presence of these materials. Responders and

railroad workers rely on the hazardous materials description and emergency response information on train consists and printed waybills rather than the placard endorsement. As stated earlier, removing the endorsement would not prohibit individual rail carriers from adopting comparable requirements at their discretion.

Other shipping paper requirements in this section, including those for tank cars containing the residue of a hazardous material, would either be removed or moved to Part 172.

Section 174.26. Paragraph (a) would be removed because if a carrier complies with paragraph (b), the carrier also is complying with paragraph (a), except for the "consecutively numbered notice." Based on current railroad technology and computer-based information systems, this notice is obsolete. Paragraphs (b) and (c) would be renumbered paragraphs (a) and (b), respectively. Newly designated paragraph (b) would be revised to reference shipping paper requirements of Part 172 and specify use of other forms of car movement documents.

Section 174.45. This section would be removed because it merely references §§ 171.15 and 171.16 and is redundant.

Sections 174.47 and 174.48. These sections contain requirements for forwarding shipments in violation of the HMR and damaged or leaking packages. The provisions in these sections would be consolidated into revised § 174.50.

Section 174.49. This section concerns the use of open-flame lanterns for the inspection of transport vehicles known to contain flammable liquids and gases. The use of open-flame lanterns is obsolete; therefore, this section would be removed.

Section 174.50. This section would be revised by consolidating requirements of §§ 174.47, 174.48, and 174.50 and by removing all obsolete provisions. These sections stipulate that railroads may not forward damaged packages, leaking tank cars (except for necessary short moves), or any tank car found in non-compliance with the HMR, except under the terms of a DOT exemption. RSPA is proposing to simplify the overall principle in these sections by prohibiting the movement of packages that do not conform to the HMR. Packages other than tank cars would have to be repaired, reconditioned, or overpacked prior to subsequent movement. Tank cars would have to be repaired or be moved under conditions approved by FRA's Associate Administrator for Safety. This proposed regulation would allow, for example, the movement of a tank car with an

emergency valve repair or capping kit under approved conditions.

Section 174.55. This section would be revised for clarity. Based on a petition [P-1042] submitted by AAR, suggesting that certain provisions of the existing section are meaningless or confusing, RSPA is proposing to streamline this section.

Section 174.67. The first sentence in paragraph (k) would be revised to remove the requirement for heater coil inlet and outlet pipes to be left open. This proposed revision is based on a petition [P-942] indicating that these pipes need to be left open only 5% of the time, when steam is applied.

Section 174.69. This section would be removed, based on a petition from AAR [P-1139], because it conflicts with applicable requirements in § 172.514.

Section 174.85. Based on corresponding changes in §§ 172.510 and 172.526 to remove provisions for a RESIDUE placard, paragraph (c) would be revised to reference a rail car containing a residue of a hazardous material rather than a rail car placarded "RESIDUE".

Part 179

The following sections would be revised by updating certain ASTM specifications and deleting others that are no longer used, based on a petition [P-1023] from AAR: §§ 179.100-7, 179.100-10, 179.100-20, 179.102-1, 179.102-2, 179.200-7, 179.200-24, 179.201-5, and 179.300-7.

Sections 179.12 through 179.12-7. Sections 179.12-1 through 179.12-7 would be removed and § 179.12 would be revised by incorporating provisions from §§ 179.12-1 and 179.12-5. The design and materials of construction for interior heater coils require AAR approval. This NPRM proposes to remove the DOT specification requirements and allow AAR greater flexibility in approving heater system designs.

Section 179.15. This section would be added to consolidate pressure relief device requirements and adopt provisions to: (1) increase the start-to-discharge pressure of safety relief devices for tanks that have a burst pressure of 240 psig, while allowing the continued use of existing cars; (2) allow for a reduced orifice in the upstream nozzle of a pressure relief device to accommodate pressure surges; (3) increase the rupture disc burst pressure for cars so equipped; (4) standardize the start-to-discharge pressure setting for all commodities and tank car specifications; and (5) align the start-to-discharge pressure setting for tank cars with that prescribed by the ASME code.