



DEPARTMENT OF TRANSPORTATION
HAZARDOUS MATERIALS REGULATIONS BOARD
WASHINGTON, D.C. 20590

Title 49—TRANSPORTATION

Chapter I—Hazardous Materials Regulations Board, Department of Transportation

[Docket No. HM-14; Amdts. 173-18, 177-10]

PART 173—SHIPPERS

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

Hazardous Materials in Specification 106a and 110a Tanks by Rail Freight and Highway

The purpose of this amendment to the Hazardous Materials Regulations of the Department of Transportation is to (1) authorize highway transportation of antimony pentachloride and titanium tetrachloride in specification 106A and 110A tanks; (2) authorize the transportation of anhydrous hydrofluoric acid in specification 110A tanks; (3) amend § 173.353(a) (6) to separate the prescription of multiple unit tanks from single tank cars; and (4) make various corrections in Parts 173 and 177 to achieve editorial consistency in requirements relating to specifications 106A and 110A tanks as proposed in Notice No. 69-17.

On July 16, 1969, the Hazardous Materials Regulations Board published a notice of proposed rule making (34 F.R. 11977) (Docket No. HM-14; Notice No. 69-17) which proposed to amend various sections of the Hazardous Materials Regulations applicable to specifications 106A and 110A tanks regarding their use, description, grandfather clauses, and manner of specifying handling requirements for the transportation of the tanks by rail and highway.

Interested persons were afforded an opportunity to participate in this rule making. Several comments were received on various aspects of the proposed changes. One commenter suggested that, with regard to deleting the specification 106A500 designation from sections affected, a cross-reference to § 173.31(a) (2) be provided in each of the affected sections to show that where specification 106A500X tanks are prescribed, specification 106A500 tanks are also permitted. The Board sees no real need for cross references in this instance and believes the existence of the grandfather clause in § 173.31 does not require special mention.

One commenter objected to identifying . . . and 110A specifications as tanks . . . instead of tank cars stating that as a result of decisions of long standing stemming from previous litigation, those specifications were established as tank cars and consequently are entitled to all the

rate applications and other related provisions associated with tank car operations. Because of the portable features of these containers and because they are used in multimode service, the Board believes that for the purpose of safety related regulations the description "tank" is more appropriate than the term "tank car." Use of the term "tanks" for the purpose of safety regulations does not affect other relationships such as those of an economic nature.

One commenter suggested that because of the punctuation in § 173.31(a) (2), removal of specification 106A500 from the commodity sections leaves in doubt the authorization for use of tanks built between July 1, 1927, and the date the specification became obsolete. Accordingly, an editorial change has been made to the paragraph to clarify the grandfather provisions.

One commenter objected to the inference that specifications 106A500X and 110A500W tanks cannot be transported by water by virtue of the proposals authorizing transportation only by rail freight and highway. These amendments do not alter present requirements insofar as the modes of transport are involved. Shipments of hazardous materials in these type tanks by water are authorized subject to 46 CFR Parts 146-149.

One commenter mentioned that there are other sections in the regulations that specify 106A500 specifications but were not indicated in Notice No. 69-17 and suggests the specification be deleted from those sections. The Board is aware that there are certain sections that authorize the use of specification 106A500 tank cars, and, as worded, transportation is limited to rail freight only. For the purpose of this rule making, the Board centered its attention on sections where transportation is authorized by both rail freight and highway. Further amendments along the line suggested may be considered in a future rule making action at such time transportation by highway is requested.

In consideration of the foregoing, Parts 173 and 177 of Title 49 Code of Federal Regulations are amended, effective March 3, 1970, as follows:

I. Part 173 is amended as follows:

(A) In the Table of Contents § 173.336 is amended to read as follows:

Sec.
173.336 Nitrogen dioxide, liquid; nitrogen peroxide, liquid; and nitrogen tetroxide, liquid.

§ 173.31 [Amended]

(B) In § 173.31 subparagraph (a) (2) is amended by deleting the comma immediately following 1927 in the first sentence.

(C) In § 173.148 subparagraph (a) (4) is amended; note 1 and footnote 1 are canceled as follows:

§ 173.148 Monoethylamine.

(a) * * *

(4) Specification 106A500X or 110A-500W (§§ 179.300, 179.301) tanks. Authorized only for transportation by rail freight and by highway. (See §§ 174.560 and 177.834(m) of this chapter for special requirements.)

(D) In § 173.247 subparagraph (a) (16) is amended as follows:

§ 173.247 Acetyl chloride, antimony, pentachloride, benzoyl chloride, chromyl chloride, pyro sulfur chloride, silicon chloride, sulfur chloride (mono and di), sulfur chloride, thionyl chloride, tin tetrachloride (anhydrous), and titanium tetrachloride.

(a) * * *

(16) Specification 106A500X or 110A-500W (§§ 179.300, 179.301) tanks. Authorized only for antimony pentachloride and titanium tetrachloride (anhydrous). Tanks containing titanium tetrachloride (anhydrous) must not be equipped with safety devices. Authorized only for transportation by rail freight and by highway. (See §§ 174.560 and 177.834(m) of this chapter for special requirements.)

(E) In § 173.264 subparagraph (b) (6) is amended; note 1 is canceled as follows:

§ 173.264 Hydrofluoric acid.

(b) * * *

(6) Specification 106A500X or 110A-500W (§§ 179.300, 179.301) tanks. Tanks may not be equipped with safety devices of any type and valves must be protected by metal caps. Tanks must not be filled to a density in excess of 85 percent of the water weight capacity of the tank. Authorized only for transportation by rail freight and by highway. (See §§ 174.560 and 177.834(m) of this chapter for special requirements.)

(F) In § 173.314 paragraph (c) Table, Note 7 is amended to read as follows:

§ 173.314 Requirements for compressed gases in tank cars.

(c) * * *

NOTE 7: Specification 106A or 110A tanks authorized only for transportation by rail freight and by highway. (See §§ 174.560 and 177.834(m) of this chapter for special requirements.)

(G) In § 173.333 subparagraph (a) (2) is amended; note 1 and footnote 1 are canceled as follows:

§ 173.333 Phosgene or diphosgene.

(a) * * *

(2) Specification 106A500X (§§ 179.-300, 179.301) tanks. Authorized only for phosgene. Each tank must be equipped with gas-tight valve protection caps which must be approved by the Bureau of Explosives. Tanks must not be equipped with safety devices of any type. Outage must be sufficient to prevent tanks from becoming liquid full at 130° F. Authorized only for transportation by rail freight and by highway. (See §§ 174.560 and 177.834(m) of this chapter for special requirements.)

(H) In § 173.336 the heading and subparagraph (a)(3) are amended; note 1 and footnote 1 are canceled as follows:

§ 173.336 Nitrogen dioxide, liquid; nitrogen peroxide, liquid; and nitrogen tetroxide, liquid.

(a) * * *

(3) Specification 106A500X (§§ 179.-300, 179.301) tanks. Each tank must be equipped with gas-tight valve protection caps which must be approved by the Bureau of Explosives. Tanks must not be equipped with safety devices of any type. Outage must be sufficient to prevent tanks from becoming liquid full at 130° F. Authorized only for transportation by rail freight and by highway. (See §§ 174.-560 and 177.834(m) of this chapter for special requirements.)

(I) In § 173.338 subparagraph (a)(3) is amended; note 1 and footnote 1 are canceled as follows:

§ 173.338 Nitrogen tetroxide-nitric oxide mixtures containing up to 33.2 percent weight nitric oxide.

(a) * * *

(3) Specification 106A500X (§§ 179.-300, 179.301) tanks. Each tank must be equipped with gas-tight valve protection caps which must be approved by the Bureau of Explosives. Tanks must not be equipped with safety devices of any type. Outage must be sufficient to prevent tanks from becoming liquid full at 130° F. Authorized only for transportation by rail freight and by highway. (See §§ 174.-560 and 177.834(m) of this chapter for special requirements.)

(J) In § 173.353 subparagraph (a)(5) is amended; (a)(6) is added; paragraph (b) is canceled as follows:

§ 173.353 Methyl bromide, liquid (bromomethane), mixtures of methyl bromide and ethylene dibromide, liquid, mixtures of methyl bromide and chlorpicrin, liquid, or methyl bromide and nonflammable, nonliquefied compressed gas mixtures, liquid.

(a) * * *

(5) Specification 105A100,¹ 105A100W, or 111A100-W-4 (§§ 179.100, 179.101, 179.200, 179.201) tank cars. Outage must be sufficient to prevent tank cars from becoming liquid full at 105° F.

(6) Specification 106A500X (§§ 179.-300, 179.301) tanks. Outage must be sufficient to prevent tanks from becoming liquid full at 130° F. Authorized only for transportation by rail freight and by highway. (See §§ 174.560 and 177.834(m) of this chapter for special requirements.)

(b) [Canceled]

(K) In § 173.357 subparagraph (b)(4) is amended; footnote 1 is canceled as follows:

§ 173.357 Chlorpicrin and chlorpicrin mixtures containing no compressed gas or poisonous liquid, class A.

(b) * * *

(4) Specification 106A500X (§§ 179.-300, 179.301) tanks. Valves must be protected by metal caps. Tanks must not be equipped with safety devices of any type. Outage must be sufficient to prevent tanks from becoming liquid full at 130° F. Authorized only for transportation by rail freight and by highway. (See §§ 174.560 and 177.834(m) of this chapter for special requirements.)

II. Part 177 is amended as follows:

(A) In § 177.834 paragraph (m) is added to read as follows:

§ 177.834 General requirements.

(m) Tanks constructed and maintained in compliance with spec. 106A or 110A (§§ 179.300, 179.301) that are authorized for the shipment of hazardous materials by highway in Part 173 of this chapter must be carried in accordance with the following requirements:

(1) Tanks must be securely chocked or clamped on vehicles to prevent any shifting.

(2) Equipment suitable for handling a tank must be provided at any point where a tank is to be loaded upon or removed from a vehicle.

(3) No more than two cargo carrying vehicles may be in the same combination of vehicles.

(4) Compliance with § 174.560 of this chapter for combination rail freight, highway shipments and §§ 174.532 and 174.533 of this chapter for trailer-on-flat-car service is required.

(B) In § 177.837 paragraph (c) is canceled as follows:

§ 177.837 Flammable liquids.

(c) [Canceled]

(C) In § 177.839 paragraph (d) is canceled as follows:

§ 177.839 Corrosive liquids.

(d) [Canceled]

(D) In § 177.840 paragraph (c) is canceled as follows:

§ 177.840 Compressed gases.

(c) [Canceled]

(E) In § 177.841 note 1 following paragraph (c) is canceled as follows:

§ 177.841 Poisons.

(c) * * *

Note 1: [Canceled]

(Secs. 831-836, title 18, United States Code; sec. 9, Department of Transportation Act (49 U.S.C. 1657))

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